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OPPORTUNITIES JUST BENEATH THE SURFACE:
PARTICIPATORY AND DELIBERATIVE PROCESSES
IN RWANDA

by

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June 2017

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In a political system with overall weak contestation, is participation capable of improving accountability? If so, how? Accountability is a combination of answerability and enforcement, and may be viewed as vertical from the citizenry, or horizontal from adjacent government institutions. Through the socializing and deliberative participatory processes of informing, consulting with, involving, collaborating with, and empowering, horizontal accountability, and potentially vertical accountability, may be enhanced, even in authoritarian regimes. The government of Rwanda presents a unique opportunity to demonstrate this, since it appears to possess strong participatory institutions, yet it still has a limited level of contestation. This study of the Rwandan government system uncovers several potential examples of improving accountability achieved through various forms of participation, and builds a model for further study on the topic.

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OPPORTUNITIES JUST BENEATH THE SURFACE: PARTICIPATORY AND DELIBERATIVE PROCESSES IN RWANDA

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iii

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ABSTRACT

In a political system with overall weak contestation, is participation capable of improving accountability? If so, how? Accountability is a combination of answerability and enforcement, and may be viewed as vertical from the citizenry, or horizontal from adjacent government institutions. Through the socializing and deliberative participatory processes of informing, consulting with, involving, collaborating with, and empowering, horizontal accountability, and potentially vertical accountability, may be enhanced, even in authoritarian regimes. The government of Rwanda presents a unique opportunity to demonstrate this, since it appears to possess strong participatory institutions, yet it still has a limited level of contestation. This study of the Rwandan government system uncovers several potential examples of improving accountability achieved through various forms of participation, and builds a model for further study on the topic.

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TABLE OF CONTENTS

LIST OF TABLES

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I. INTRODUCTION

A. RESEARCH QUESTIONS

In a political system with overall weak contestation how is participation capable of improving accountability? Can illiberal democratic institutions be held accountable to the people? Because of participatory and deliberative democratic institutions, can they become more liberal? It is generally understood that accountability to the people is fostered through democratic principles, and a thriving democratic system must contain elements of both participation and contestation. As Fareed Zakaria makes quite clear, democratic accountability is just as much a product of constitutional liberalism than democratic processes themselves.[1] Rwanda serves as a unique case study in that it uses systems which advertise constitutional liberalism and democratic accountability, yet the contestation dynamic appears to produce limited accountability. By analyzing the nature of Rwandan political processes, it may be possible to imagine a case where different types of participation within a system change the dynamics of contestation, thus leading to greater accountability. By providing a venue to inform, consult with, involve, collaborate with, and empower citizens, participatory institutions that foster deliberation and socialization are more likely to produce horizontal and vertical accountability.

B. BACKGROUND

For the last decade, Rwanda has been a darling of the international community in many respects. It is increasingly seen as a good place to do business. The Rwandan government has made great strides in reducing corruption, to include being ranked 50 of 176 countries worldwide in Transparency International's rankings: Rwanda is one of the least corrupt states in the world, and in the top five for Africa.[2] On the development front, The World Bank reveals that child mortality has dropped by two-thirds and there is almost universal primary school enrollment. Furthermore, from 2001 through 2015, the

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[1] Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* Nov/Dec (1997): 22–43.

[2] "Corruption Perceptions Index 2016," Transparency International, accessed May 26, 2017, https://www.transparency.org/news/feature/corruption_perceptions_index_2016#table.

real GDP growth rate was a staggering average of 8% per year.[3] The Rwandan civil service is young, motivated, and increasingly competent—a key enabling institution of growth and prosperity. Yet, it appears that real freedom has been elusive for Rwanda.

Organizations such as Freedom House paint a much bleaker picture, steadily reporting on what they view as the Rwandan government's efforts to suppress its infant democratic institutions.[4] The parliament has little independence, political parties are weak, and the president is seeking a third term in office. A change which required the passing of a highly contested constitutional amendment in 2015. There are even reports of forced disappearances and possible assassinations of party enemies abroad.[5] Citing numerous examples of floundering liberal institutions such as a weak media, restrictions on assembly, and little contestation of the regime in power, the previously painted rosy picture is not complete. How is this possible, when the constitution of Rwanda claims that these rights exist for all? The truth probably must lie somewhere in the middle.

On paper, the Rwandan political system provides clear examples of participation and contestation at all levels of the government. At the central level, there is universal suffrage for electing the president and the parliament. All the modern trappings of balance-of-power, horizontal accountability, are in place to include a nominally independent judiciary, and even a strong office of ombudsman. At the sub-national level, Rwanda advertises itself as a model of participation and contestation. At the lowest level of government, citizens are encouraged to play an active role in local committees and the election of local councils. To deal with its unique and troubling history of ethnic strife and genocide, the Rwandan government has developed several indigenous programs to help provide justice and promote accountability. *Gacaca* is a form of community trials developed to deal with perpetrators of violence during the genocide. A participatory village level budgeting and planning process called *ubudehe* is trumpeted to help fulfill

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[3] "The World Bank, Country Overview: Rwanda," The World Bank, accessed May 26, 2017, http://www.worldbank.org/en/country/rwanda/overview.

[4] "Freedom House Country Report: Rwanda 2016," Freedom House, accessed May 26, 2017, https://freedomhouse.org/country/rwanda.

[5] "Rwanda: Silencing Dissent Ahead of Elections," Human Rights Watch, last modified August 2, 2010, https://www.hrw.org/news/2010/08/02/rwandasilencingdissentaheadelections.

the *imihigo*, or performance contracts, which establish goals for development. Finally, through local projects, *umuganda*, and support for the needy, *umusanzu*, the society is compelled to come together to support communal needs. Once again, on paper this all sounds compelling, but does it bring accountability to the Rwandan government?

C.   IMPLICATIONS

Grass-roots participatory and deliberative institutions may provide opportunities to provide accountability in authoritarian systems and weak democracies. I hope to demonstrate the efficacy of these local political systems and how they can potentially overcome threats from above. This work will add to the pantheon of data on developing democracies, and how and why they succeed and sometimes fail. The ability of issue publics such as school boards, high school class presidencies, and even trial-by-jury to affect change at various levels are all aspects of democracy in the west, which add to the embeddedness of the sanctity of rule of law and pluralism. If democracy is to evolve and become entrenched around the world, its deeper roots must be explored.

The official policy of the United States is to support and foster democracy in sub-Saharan Africa.[6] Complete success stories, however, have been hard to come by. This realization forces supporters to either accept policy prescriptions normatively without evidence, or attack those same goals as unrealistic. It is my premise that maybe U.S. policy has been overly focused on electoral democracy, and missed some of the intangible gains from grass-roots democratic involvement. What is happening at the local level may be more important for democracy than the intricacies of parliamentary and presidential theatrics at the national level, or at least what happens locally necessarily influences what happens above. Supporting the wrong democratic regime, with the wrong participatory and deliberative foundations, may spell disaster for an infant democracy. Hopefully, this thesis will help us better understand democratic processes and how to better foster them abroad, as well as demonstrate a new way forward, focusing on how democracy must be planted in the good soil of participation and deliberation to succeed.

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[6] "U.S. Strategy Toward Sub-Saharan Africa 2012," the White House, accessed May 26, 2017, https://agoa.info/images/documents/3028/US_Africa_Strategy_2012_AGOAinfo.pdf.

D.   LITERATURE REVIEW

The definitions of accountability are many. How accountability is achieved has been extensively explored, but is also not entirely clear. The predominant understanding is that accountability is usually achieved through democratic means. Theorists such as Dahl, Przeworski, Lipset, O'Donnell, and even Plato have explored democratic theory and distilled it to basic concepts and themes useful for explaining how it supports accountability. There are, however, differing outlooks as to if accountability is still achievable without democracy and why. A more detailed understanding of these concepts may better explain the potential of the Rwandan government's quasi-democratic structures to produce accountability.

1.   Accountability

The very idea of accountability is complex yet incredibly simple. Stapenhurst and O'Brien of The World Bank provide a rather wordy explanation where "accountability exists when there is a relationship where an individual or body, and the performance of tasks or functions by that individual or body, are subject to another's oversight, direction or request that they provide information or justification for their actions."[7] Furthermore, they continue, accountability is a combination of answerability and enforcement. Answerability can mean either the obligation of those elements in charge to simply inform the population or a requirement to provide answers and justifications for actions. Enforcement is the ability of those in power to be punished or sanctioned for illegal or simply undesirable activity.[8] In other words, when one individual, group, or institution can influence another individual, group, or institution, the former is practicing accountability over the latter. In some cases, the overall power and influence of the former may be less than that of the latter, or at least its source of power may be

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[7] Rick Stapenhurst and Mitchell O'Brien, "Accountability in Governance," World Bank Group working paper, accessed May 26, 2017, https://siteresources.worldbank.org/ PUBLICSECTORANDGOVERNANCE/Resources/AccountabilityGovernance.pdf.

[8] Andreas Schedler, "Conceptualizing Accountability," in *The Self-Restraining State: Power and Accountability in New Democracies*, eds. Andreas Schedler, Larry Diamond, and Marc F. Plattner (Boulder, CO: Lynne Rienner Publishers, 1999), 14–7; Stapenhurst and O'Brien, "Accountability in Governance."

asymmetric to that of the latter. The level of influence may be subtle, or it may be substantial in that the less powerful party may make the greater do what it does not want to do. Democracy is synonymous with accountability to an electorate, yet there may be other, less explored, avenues to accountability.

A government may be run by the few who are entrusted with authority based upon their wisdom and virtue—guardianship as described by Plato in *The Republic*, or society may not have any government at all—anarchy. There is a continuum from the authoritarianism of a government run by the few to a government run by the people—democracy.[9] Democratic governments are, by their very definition, accountable to an electorate, since they are subject to the voters' wants, needs, and direction through contestation, yet there may be ways in which even authoritarian regimes are held accountable to the people. The predominate view is that democracy holds the key to accountable, and that it is the only effective way to consistently achieve it.

The type of accountability most familiar, and the one described by Dahl is vertical accountability.[10] Vertical accountability is when citizens hold officials accountable for their actions from below. This is usually achieved through the franchise. Electoral politics is vertical accountability. Vertical accountability can also take place when civil society organizations or the media, as conduits of the people, work to ensure government accountability. Guillermo O'Donnell describes another type of accountability—horizontal.[11] This occurs when government agencies counteract each other and "are legally empowered—and factually willing and able—to take actions ranging from routine oversight to criminal sanctions or impeachment in relation to possibly unlawful actions or omissions by other agents or agencies of the state."[12] The institution practicing accountability must have not only de jure power, but de facto power as well. On the

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[9] Robert A. Dahl, *Democracy and Its Critics*, (New Haven, CT: Yale University Press, 1989).

[10] Robert A. Dahl, *Polyarchy: Participation and Opposition*, (New Haven, CT: Yale University Press, 1971).

[11] Guillermo O'Donnell, *Dissonances: Democratic Critiques of Democracy*, (Notre Dame, IN: University of Notre Dame Press, 2007), 100; Guillermo A. O'Donnell. "Horizontal Accountability in New Democracies." *Journal of Democracy* 9, no. 3 (1998): 112–126, accessed May 16, 2017, https://muse.jhu.edu/.

[12] O'Donnell. "Horizontal Accountability," 117.

surface, what we know in the United States as checks-and-balances is horizontal accountability. Internal, structural institutions in a system hold each other accountable through a set of prearranged relationships or shared powers.

Both vertical and horizontal forms of accountability are designed into many government systems. Horizontal accountability, however, serves another purpose as it retains many of the functions Dahl deems necessary for his democracy to succeed. Not only must the people have a say, they must have enough leverage to get a seat at the table with enough influence to have bargaining power. Where does this leverage come from? Why is it that in some cases, accountability can still be elusive, even while the modes of participation and electoral contestation appear to be present? It appears that a weak system of horizontal accountability, may undermine vertical accountability.

In a system with weak or incomplete democratic institutions is it possible to maintain either vertical or horizontal accountability? A growing body of research seems to indicate that it is possible. Gilli and Li have conducted extensive studies on autocratic regimes to determine if accountability exists without democracy. They determined that even in situations where government elites face limited electoral or party competition, the dual threats of revolt and coup force them to succumb to the dual forces of answerability and enforcement. Therefore, the ability of elites to take over the government or of the masses to revolt provide elites with encouragement to satisfy the people and the powerful.[13] The former threat indicates influence from the masses through participation, while the latter indicates contestation by elites in the system. While describing the fiscal policies of autocratic states, Corduneanu-Huci argues that transparency is key for regime survival in that those regimes must demonstrate how resource allocation protects elite interests, ensuring their survival.[14] This may be another indication of elite contestation

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[13] Yuan Li and Mario Gilli, "Accountability in Autocracies: The Role of Revolution Threat," Stockholm School of Economics Asia Working Paper no. 29 (2014); Mario Gilli and Yuan Li, "citizen Accountability in Autocracies: The Political Economy of Good Governance in China," NEPS Working Paper Series no. 3 (2012).

[14] Christina Corduneanu-Huci, "Autocratic Accountability: Transparency, the Middle Class, and Political Survival in Non-Democracies," EUI Working Papers, Max Weber Programme for Postdoctoral Studies (2014).

without participation. This study of Rwanda may demonstrate other ways weak democracies or authoritarian regimes are still subject to answerability and enforcement.

2.   Democracy

Although the Rwandan government claims to be democratic, it is oftentimes described as authoritarian. To understand this claim, it is important to review key aspects of democracy. The thesis will later demonstrate how Rwanda may or may not meet these requirements of democracy.

Dahl explains that democratic accountability is achieved by contestation and participation in the system he titled a *polyarchy.* Through electoral processes, the system is responsive to the wishes of the people, who are considered equals by the government.[15] In his later works, Dahl describes his criteria for democratic effectiveness, which are, effective participation, voting equality, enlightened understanding, control of the agenda, and inclusion of adults.[16] All are necessary to support the six core political institutions of elected officials, fair elections, freedom of expression, alternative sources of information, associational autonomy, and inclusive citizenship; institutions he deems essential to a democracy.[17] These criteria are the underpinnings of a successful and functioning polyarchy; therefore, if neglected the democratic process may fail.

Przeworski defines democracy as ruled-based competition amongst different interests. For Przeworski as well, open participation and contestation are core elements of this competition.[18] Yet, he moves a step beyond by explaining how democratic systems are based on self-interested strategic compliance.[19] Losers comply with electoral outcomes because they believe they may win a future free and fair election. The iterative nature of the political game grants the opportunity for future victory. Seymour Lipset describes democracy as "a political system which supplies regular constitutional

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[15] Dahl, *Polyarchy*, 1–2.

[16] Robert A. Dahl, *On Democracy*, (New Haven, CT: Yale University Press, 1998), 35–43.

[17] Dahl, *On Democracy*, 84–99.

[18] Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*, (New York: Cambridge, 1991), 10.

[19] Przeworski, *Democracy and the Market*, 24.

opportunities for changing government officials, and a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for political office."[20] His democracy is a place to pick winners and losers. It is not so much a destination, but instead a path to create a better society. As Przeworski explains, it is a way to achieve a yet undetermined end.[21] The polyarchy described by Dahl exists as a tension between liberalism, the realm of individual rights, and republicanism, the realm of public good. Guillermo O'Donnell, however, explains reveals how Dahl's duality is incomplete. For O'Donnell, the role of democracy is a third leg which crosses over spheres of both liberalism and republicanism, since "the demos has an unencumbered right to decide any matter it deems fits."[22]

There are, however, other more direct forms of democracy. Participatory democracy, as espoused by Carole Pateman goes beyond the contestation-filled nature of democracy, and moves in the direction of its cooperative aspects. For a democracy to succeed, the people must participate as much as possible, that is, beyond voting for representatives. The intangibles gained throughout participatory processes are more important than the choices made.[23] Participation goes beyond politics and should be part of decision making in the workplace and local communities.[24] There are integrative, educational, and legitimizing functions of democracy that go beyond voting. Furthermore, the act of participating in democratic processes builds civic skills and virtues such as debating, active participation in public life, and reciprocity.[25] Participation legitimizes the entire democratic process.[26] By participating in the system, people are changed; they are socialized. Thinking of democracy in a constructivist lens,

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[20] Seymour Martin Lipset, *Political Man: The Social Bases of Politics,* (Garden City, NY: Doubleday, 1963), 27.

[21] Przeworski, *Democracy and the Market.*

[22] O'Donnell. "Horizontal Accountability," 114.

[23] Carole Pateman, *Participation and Democratic Theory*, (New York: Cambridge, 1970), 22–44.

[24] Ank Michels and Laurens De Graaf, "Examining Citizen Participation: Local Participatory Policy Making and Democracy," *Local Government Studies* 36:4 (2010), 479, doi:10.1080/03003930.2010.494101.

[25] Michels and De Graaf, "Examining Citizen Participation," 477–91.

[26] Michels and De Graaf, "Examining Citizen Participation," 477–91.

the democratic process impacts those who participate beyond decision-making and deliberation. This insight will be a key to understanding how and why participation is essential to accountability.

In a deliberative democracy, as envisioned by Habermas and other theorists, the people themselves should be involved in decision making beyond delegating that authority to others. Maeve Cooke refers to deliberative democracy as "a conception of democratic government that secures a central place for reasoned discussion in political life."[27] She further describes five key merits provided by public deliberation. Deliberation educates, generates a sense of communal self, provides fairness through procedure, contributes to the production of rational of rational outcomes, and most importantly expounds upon the very concept of what it means to be democratic.[28] Deliberation rather than voting should be the central mechanism, ensuring that a diversity of opinions is not just present, but heard by others. Deliberative democracy assumes equality, public reason, and mutual respect, but also can help foster those critical aspects.[29] As with participation, citizen deliberation is essential for building the foundations of polyarchy. Without citizen deliberation, how are citizens to learn how to effectively maintain horizontal accountability within a democratic system?

Both deliberative and participatory models assume the democratic process to be a good unto itself, not just a way to achieve good ends. The process and the path are what really matters. Arguably, the electoral process is the metaphorical tip of the iceberg of a functioning democratic society. At the highest levels of government, numbers restrict the ability to conduct forms of direct democracy. Dahl's polyarchy, however, depends upon the participatory and deliberative processes which build its foundation. Proponents of democracy, policy makers especially, ignore what lies beneath the surface at their peril.

What does it take to make the executive truly accountable to the people, and end the rule of "Big Men"? As Dahl alluded to, participation may be an essential element of

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[27] Maeve Cooke, "Five Arguments for Deliberative Democracy," *Political Studies*: 48 (2000), 947.

[28] Cooke, "Five Arguments," 947–969.

[29] Michels and De Graaf, "Examining Citizen Participation," 477–91.

democracy, but participation can be a powerful part of authoritarian regimes as well. How does the legislature move beyond the role of a rubber stamp to the primary discursive body of the national government? What does it take to reverse the polarity of accountability from citizen to the government, to a place where the all-seeing eye of Michel Foucault's "Panopticon" is focused on the leaders, instead of the led?[30] Participatory and deliberative democratic processes at local levels may lead to an increase in government accountability, because they train the citizenry, giving citizens leverage over decisions beyond elections, building the framework of horizontal accountability at the local level. Horizontal accountability must work together with the vertical.

As stated by Staffan Lindberg, "elections in newly democratizing countries do not signal the completion of the democratic transition to democracy but rather foster liberalization and have a self-reinforcing power that promotes increased democracy."[31] Even if relatively unsuccessful in unseating leadership at first, the drive to fulfill Dahl's requirements for participation, e.g., voter education, will put pressure on civil society and the media to better inform the voting population. In addition, the iterative nature of elections has an incremental impact on the political structure if the electoral cycle is not disruptive to the creation of strong parties and coalitions to counter those in power.

Currently Rwanda appears to be what Bratton and van de Walle would describe as a "plebiscitary one-party system." There are high levels of mass participation at the local levels, but a limited impact at the elite national level.[32] Can high levels of local participation help bridge the gap? Do deliberative and participatory democratic processes at local levels, however simple, build the requirement for information, and thus help compel the growth of other liberal freedoms—such as press, assembly, and speech? The visible forms of a democratic republic are built on solid foundations of socialization and deliberation inside of participatory structures, all of which often lie deep beneath the surface.

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[30] Michel Foucault, "Panopticism," *Ways of Reading: An Anthology for Writers*, eds. David and Tony Petrosky 6th ed., (Boston, MA: Bedford/St. Martin's, 2002), 223–239.

[31] Staffan I. Lindberg, *Democracy and Elections in Africa*, (2006), 2.

[32] Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa* (Cambridge, UK: Cambridge University Press, 1997), 78–9.

E.   HYPOTHESIS

1.   Introduction

Participation can support contestation, but sometimes it does not. This indicates that not all types of participation are the same or necessarily conducive to democracy. The literature review alluded to the destructive potential of participation in totalitarian regimes, and the concern that participation can destroy democracy. Although popular participation can be leveraged by a regime to destroy democracy, it can also be leveraged to preserve it as well. The premise is that the right local level participatory and deliberative democratic arrangements can create the foundation of strong democratic societies.

The electoral politics of the west described by Dahl, Lipset, and Przeworski are so highly evolved, and built upon such a deep bedrock of democratic tradition, that it is difficult to understand why electoral democracies can so easily fail in other places around the world. The case of Rwanda may present an opportunity to see local level democracy building a solid bedrock of participation. Under the pre-genocide regime, local participation was construed as a coercive function of the Rwandan government.[33] On the surface, it appears that the same situation could be developing in Rwanda today. At the central level, it appears that electoral accountability is low. National power is projected to lower levels of government through planning guidance. Could there be, however, a divergence between current Rwandan government and its predecessors?

Corruption and clientelism appear to be on the wane in Rwanda. Booth and Golooba-Mutebi claim that Rwanda has evolved beyond traditional clientelistic roles because of the main political party's relative economic independence.[34] Although a contributing factor, it cannot by itself explain improved service delivery, imihigo fulfillment, or improved citizen satisfaction. The apparent effectiveness may be a counter to the threat of revolution or elite takeover as espoused through the work of Gilli and Li.

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[33] Mark Naftalin, "A New Rwanda?" *The World Today* vol. 76 no. 7 (July 2011): 24, http://www.jstor.org/stable/41962679.

[34] David Booth and Frederick Golooba-Mutebi, "Developmental Patrimonialism? The Case of Rwanda," *African Affairs* 111/444/ (2012): 379–403, doi:10.1093/afraf/ads026.

This idea fits with the concepts presented by Chemouni regarding the vulnerability of the Rwandan regime to internal, ethnic strife.[35] My premise, however, is that local participatory and deliberative bodies are building the foundation of an increasingly democratic electorate. By providing a venue to inform, consult with, involve, collaborate with, and empower the citizenry, participatory and deliberative institutions fulfill Dahl's requirements for democracy of effective participation, voting equality, enlightened understanding, control of the agenda, and inclusion of adults.[36] Without these factors, electoral contestation is less effective.

2. Contestation and Participation

Within Dahl's model of contestation and participation is an echo of accountability's themes of enforcement and answerability. As Dahl's model requires both contestation and participation to be effective, so too does accountability appear to require both answerability and enforcement. Yet, can there be some type of answerability without enforcement? As a cornerstone of democracy, there is more to participation than meets the eye. Electoral, participatory, and deliberative systems each have differing forms of participation and contestation. Although Dahl's model is built for polyarchy, it is still a relevant framework for weak democracies, or potentially authoritarian regimes. As previously described, Dahl envisions participation working through contestation via elections—vertical accountability. Citizens choose representatives, or select from a menu of various ideas or concepts. Citizens also have the choice to run for office as well. Citizen participation is being able to decide on an equal playing field. There is a potential risk to participation; totalitarian regimes depend on high levels of participation to maintain control of what people think and believe. Therefore, in a system, there may be a high level of participation, yet a low level of contestation.

Other scholars have emphasized that participation can also take the form of deliberation, a broader and more sustained engagement than episodic elections. People

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[35] Benjamin Chemouni, "Explaining the Design of the Rwandan Decentralization: Elite Vulnerability and the Territorial Repartition of Power," *Journal of Eastern African Studies* 8/2 (2014): 246–7, doi:10.1080/17531055.2014.891800.

[36] Dahl, *On Democracy*, 35–43.

come together to decide on ideas, formulate plans, and find better ways to solve their problems—they build ideas, not just pick from a menu. Jürgen Habermas explains how in the absence of traditions and religious explanations for the world around us, people must reach a rational consensus through institutions.[37] His is a Positivist view of politics. Accordingly, this rational deliberation by citizens is a good, in and of itself. The final, and most overlooked function of participation is its socialization aspects, particularly pertinent to participatory models. By participating in a process, people are changed. Amartya Sen alludes to the strong need to be understood, or what he calls the constructivist nature of participation in a democratic system.[38] The arrangement of contestation and the forms of participation follows.

Contestation—This is fundamentally about choice, where the electorate picks winners amongst a selection of various leaders, and ideas—vertical accountability. It oftentimes appears conflictual, since if someone or something wins there must be a loser. There are, however, multiple occasions when regimes of contestation can be adapted to move from a zero-sum to mutually beneficial arrangement. Dahl states that "all full citizens must have unimpaired opportunities to formulate their preferences, signify their preferences to their fellow citizens and the government by individual and collective action, and to have their preference weighted equally in the conduct of government, that is, weighted with no discrimination because of the content or source of the preference."[39] If the citizenship is fully open to voting and running, contestation is possible. Dahl does explain how this can take place with limited participation. For example, citizens may be able to vote on leadership, but if running is prohibited participation is curtailed. The contestation function occurs within both electoral and deliberative concepts of democracy.

Socializing Participation—Socialization is a natural byproduct of participation itself. The very act of participation has a socializing effect on people, potentially leading to horizontal and vertical accountability. This idea goes beyond the rational actor theory

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[37] April Carter and Geoffrey Stokes, "Introduction," *Liberal Democracy and its Critics: Perspectives in Contemporary Political Thought*, eds. April Carter and Geoffrey Stokes, (Malden, MA: Blackwell Publishers, 1998), 9.

[38] Amartya, Sen, *Development as Freedom* (New York: Oxford University Press, 1999), 48.

[39] Dahl, *Polyarchy*, 2.

of Przeworski's strategic compliance due to the iterative nature of political interaction. Ideas are changed through a process of changed understanding. This socialization or learning function is the cornerstone of Pateman's understanding of the value of participatory democracy. Although the most nuanced aspect of participation, it provides an important foundation for further deliberative principles. It also allows for change and adaptation beyond avenues of contestation—ideas and norms are changed without the carrot or the stick. Participatory democracy helps inform, provides consultation, and enables involvement. Informing is a necessary requirement for participation, whether passive or active. The citizenry must be able to see what is happening before they can determine whether to provide support. When a government consults with citizens, it elicits citizen opinion. When a government is actively involved with citizens, it may get citizen demands. Both could influence the government, beyond contestation. The cooperative aspects of socialization may provide for their own enforcement mechanisms. The dilemma is how to harness this powerful force for change.

Deliberating Participation—Processes of deliberation are another key aspect of participation leading to horizontal accountability. Oftentimes, problems in society are not binary. There may not be just winners and losers. Ideas can be melded together. Concepts can be deconstructed and dealt with piecemeal, thus allowing for compromise. Deliberation is inherently the realm of cooperation. Citizens decide rationally to begin, end, or modify policy. This type of contestation moves beyond Dahl's conception and forms a bridge towards consensus and the participatory model of Pateman. Elected officials can deliberate within their respective institutions, or the citizens themselves can participate like in the Athenian democracy. As previously mentioned, the works of Habermas make the point that rational deliberation by the citizenry is the rational legitimization of policy. Deliberation may foster collaboration, or empower citizens to make decisions without the regular enforcement mechanism of electoral accountability. This may lead to new ideas and concepts on old topics, or the opening of entirely new topics of discussion.

Although each of the modes of participation may manifest themselves in forms of contestation to achieve accountability, it may be possible to affect accountability in other

ways. Participation does not, however, automatically equal contestation. There is a potential dark side to participation—participation is not necessarily democratic. As Dahl and Lipset explain, all aspects of participation can be leveraged and used to actively subvert democracy. Totalitarian regimes depend on participation, because they must control what the masses think. Authoritarian regimes require participation as well, but since they are more interested in controlling what people do and less so on what they think, the participation may be more limited in scope. This would be the same with monarchies, strong-men, etc. It is easier to identify cases how contestation is prevented to understand how it can be undertaken. A system may also have high levels of contestation, yet without mass participation. These regimes would have a powerful elite, with an overall weak polity.

3.   Explanations

In a political system with overall weak contestation how is participation capable of improving accountability? First, the socializing aspects of participation work as a form of weak horizontal accountability—countering the government without necessarily threatening the leadership of the rulers. When the government consults the citizenry, it elicits citizen opinion. Those opinions may alter the opinions of the government. If the government involves the citizenry, those citizens may make demands of the government. The government need not comply, but if it does, those changes may represent a weak form of accountability. As this socialization takes place between the government and the citizenry, learning occurs by both parties. The nuance between a citizen expressing a negative opinion about a topic, and that same citizen actively making demands of the government is subtle, yet incredibly important. It could demonstrate an evolution of individual rights and the further development of a social compact between the government and its citizens.

Explanation #1—Participatory institutions that involve socialization are likely to foster horizontal accountability but less so than those which offer opportunities for deliberation.

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Next, the deliberative aspects of participation may further increase the level of horizontal accountability. When citizens are involved in government institutions where they collaborate with government officials or work towards a consensus on key issues, there is an even greater level of citizen influence. The government would be expected to address citizen concerns and influence. The citizenry learns how the government functions, and may develop a sense of solidarity with the government. Government officials may also bond more effectively with their constituencies. If citizens are truly empowered to make binding decisions, however minor in detail, they have demonstrated the ultimate in citizen influence. Both forms of deliberative participation develop a social compact between the government and citizenry beyond that of even the socializing aspects of participation.

Explanation #2—Participatory institutions that foster deliberation are more likely to produce horizontal accountability.

The socializing and deliberative impacts of participation together may provide the foundation for more effective choosing of representatives and leaders—effective contestation through vertical accountability. Choosing, in and of itself, is not contestation, since poor choices or situations with an extremely limited menu based on deficiencies in the political system weaken the concept of contestation. To truly practice contestation, the system must support Dahl's six core political institutions (i.e., elected officials, fair elections; freedom of expression, alternative sources of information, associational autonomy, and inclusive citizenship).[40] These may be provided and enhanced by effective participation developed through socialization and deliberation. The following explanations may help to understand how better accountability can be manifested in a weak democracy.

Explanation #3—Participatory institutions that provide opportunities for both socialization and deliberation are more likely to improve vertical accountability.

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[40] Dahl, *On Democracy*, 84–99.

4.   Processes

The following list of five types of processes of participation provides a convenient starting point for research. They are further described in Table 1. Going from least to most influential, these processes, provided by the International Association for Public Participation, create the framework for further research and comparison. Within each process are independent and dependent variables, with potential measurable outcomes. The fulfillment of each should demonstrate a gradual increase in accountability. Each government institution to include the home-grown systems such as imihigo and gacaca, will be analyzed using the following criteria:

Inform—requirement for information leads to a more informed electorate. This can drive an expectation for more information and thus greater freedom of the press. The independent variables would be the information provided by websites, news, print and other media. The dependent variable would be increased understanding about applicable topics and issues, by measuring if messages are received and understood. This is arguably the most challenging aspect of participation to effectively measure. Issues of endogeneity are particularly troublesome, since the government may or may not control what information gets dissemination. There are also issues as to agency regarding independent media, such as how or if the media frames issues beyond the will of the masses.

Consult—this leads to an even greater expectation for information and enhanced freedom of the press. There is a growing desire to confirm with what you are being told is true. The ability to verify becomes crucial. Public opinions are the independent variables in this case. The dependent variable is changes in government opinions which could be determined through polling, interviews, etc. Citizen opinion can also be measured as such, since the consulting process is a two-way street.

Involve—leads to need to verify some level of compliance with your wishes. Did the government do what they stated they would? The independent variables would citizen demands of the government through be the activity of workshops and local level legislative bodies. Nuanced changing details of government policies and plans would be indicative of involvement and thus the dependent variables for study.

Collaborate—not only the ability to provide input with reasonable expectation of compliance, but the ability to set the agenda and potentially steer discussion. The independent variable of collaboration is full citizen involvement in legislative actions and council efforts. Steering and further change in policies and plans would be demonstrable dependent variables.

Empower—government beholden to decisions made by citizens. The efficacy of truly empowered, deliberative institutions to affect change. Gacaca, legislative actions and council efforts are examples of independent variables. The ability of these institutions to make independent decisions, which the greater government is obliged to comply with is emblematic of empowerment. For example, the removal of office holders who do not comply with imihigo would be a dependent variable.

Table 1. Five ways participatory practices
may promote accountability[41]

Cause			Effects		
Types of Participation	Method (IV)s	Catalysts	Level of Influence	Measurable	Types of Accountability (DV)s
Socializing	Informing	Websites, government fact sheets	Limited	No	Transparency which may foster greater legitimacy
	Consulting	Public comment through councils and committee involvement	Weaker public influence	Subtle	Change in opinion and attitudes of both leader and led
	Involving	Workshops, polling	Weak public influence	Subtle	Change in details, however minor, of government programs, policy, etc.
Deliberating	Collaborating	Participatory decision making, consensus building	Stronger public influence	Yes	Clearly visible change in direction of programs, policy, etc., steering of said topics
	Empowering	Delegating decisions, office holder accountability	Strongest public influence	Yes	Citizen directed policy change, significantly different from government direction

[41] Adapted from Brian W. Head, "Community Engagement: Participation on Whose Terms?" *Australian Journal of Political Science* 42:3 (2007): 441–454, doi:10.1080/10361140701513570.

F.   THESIS ORGANIZATION

This thesis will be organized into five chapters. This first chapter was the introduction, to include the literature review and hypothesis for the research. Chapter two will investigate the Rwandan government system moving from the central level, through the local level system, and ending with an explanation of the several home-grown institutions. Chapter three will analyze the system in terms of its respective qualities of contestation and participation, thus explaining potential weaknesses in its democratic structure and how participation may help address certain shortfalls. In chapter four, the levels of government and the home-grown institutions will be analyzed considering their potential contributions to accountability within the system. The final chapter will contain an overall conclusion, analysis of gaps in the available data, and some possible implications of the research.

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II.   THE SYSTEM

A.   INTRODUCTION

Before determining how and if participation and deliberation produce accountability, the basics of the target political system must be understood. Starting from the central level and moving down to the local level, this thesis will describe several aspects of the system. Descriptions and details of the central system will be more cursory, since the local level is the primary focus of research. There is a connection, however, because if participation produces horizontal and vertical accountability at the local level, that may carry forward up to the central level through improved contestation and greater horizontal accountability. The description of the central level will cover the national executive, legislative, and judicial branches and then the provincial level. Local systems will be analyzed at the district, sector, cell, and village levels. A separate section will be dedicated to the Rwanda specific aspects of local governance, or "home-grown" institutions such as imihigo, gacaca, umuganda, and ubudehe. The final section will be focuses on specific interactions within the system to include aspects such as committee and councils, and contention and/or cooperation between elected and appointed officials of the local government systems.

B.   CENTRAL LEVEL

As a self-described unitary democratic republic, the central political system of Rwanda advertises checks-and-balances and democratic accountability. Both plurality and rule of law are enshrined in its institutions, yet Rwanda can still be considered a police state. To better answer the validity of this claim, one must understand how the central system is organized. It will then be possible to understand how its structure interacts with local systems and does or does not produce accountability through socialization and deliberation. The President of Rwanda is the chief executive of the state. Elected to a maximum of two seven-year terms, the President's rights and privileges are enshrined within the Rwandan constitution. The president is responsible for commanding the armed forces, signing presidential orders, negotiating and ratifying

treaties, and the appointment and supervision of his or her cabinet. Based on these responsibilities, the President then appoints a Prime Minister[42] The President is elected through direct elections via universal suffrage of all men and women eighteen years and older. The impact of political parties on the presidential elections is contentious, as competing political parties are strongly regulated. Paul Kagame, the current President, took the reins from Pasteur Bizimungu in 2000. Kagame, who won elections in 2003 and 2010, was just recently given the opportunity to run for a third term in office. This highly contentious decision came after years of extensive lobbying for and against the measure.[43]

The national legislature of Rwanda is bicameral, and therefore composed of two houses. The upper house is the Senate and the lower house is the Chamber of Deputies. Both the upper and lower houses have enumerated powers enshrined within the Rwandan constitution. Article 88 of the Rwandan Constitution deems that the senate votes on all laws except for financial and budgetary ones.[44] The Senate also elects judges to the supreme court and the prosecutor of the republic and approves presidential appointments. The Senate consists of 26 seats, twelve of which are indirectly elected by local councils through an electoral assembly of members of the executive committees within the districts (cities, sectors, and municipalities). The remainder of the members are appointed with eight coming from the president, four appointed by the Political Organizations Forum - a body of registered political parties, and two being selected by institutions of higher learning. All members serve an eight-year term.[45]

The lower house, or Chamber of Deputies, has 80 members. Of the total, 53 (2/3) are elected directly via proportional representation list system. Women must maintain a minimum of 24 seats. They are indirectly elected at the province level, which is two per

[42] George Lutz, "Reflections on Rwanda's Electoral Regulations," Swiss Agency for Development and Cooperation (SDC), 2005, 6.

[43] Ryan Goehrung, "At Issue: Ethnicity, Violence, and the Narrative of Genocide: The Dangers of a Third-Term in Rwanda," *African Studies Quarterly* 17:1 (2017): 79–100, http://www.africa.ufl.edu/asq/v17/v17i1a5.pdf.

[44] "Rwanda's Constitution of 2003 with Amendments through 2015," Constitute Project, last modified March 28, 2017, https://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en.

[45] Ibid.

province. Rwanda is a leader internationally regarding the high level of female representation in its Chamber of Deputies, where it "is one of the only two chambers worldwide in which women outnumber men."[46] Rwanda has the highest percentage of women in the central legislature of any African state.[47]

The remaining Deputies are elected by the Central Youth Council and by the Federation of Association for Disabled.[48] Deputies serve five-year terms. The last election was in September 2013, and next are scheduled to be held in 2018. Interestingly, per the Rwandan Constitutions, Deputies do not represent any districts, or regions; deputies represent the entire state.[49] Unlike many other constitutional arrangements around the world, the Rwandan parliament is relatively symmetric, since the Senate has important legislative powers in relation to the Chamber of Deputies.[50] The Senate, however, which is primarily appointed by the executive with little citizen participation, may hold an overwhelming amount of power in relation to the chamber of deputies.

The Constitution provides for two types of courts: ordinary and specialized. Supreme, high, intermediate, and primary courts are ordinary, while military, commercial, and gacaca are specialized.[51] The first Rwandan Bar Association was established in 1997. Prior to 1994, there was no history of an independent judiciary in Rwanda, since it had historically been heavily co-opted by the ruling Habyarimana regime.[52] Therefore, everything had to be built from scratch. The major reforms began in

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[46] SJ Cooper-Knock, "Rwanda: Liberation by Numbers?" *Democracy in Africa: A Resource for the Study of Democracy in Africa* (blog), April 5, 2016, http://democracyinafrica.org/rwanda-liberation-by-numbers/.

[47] Gregory Warner, "It's the No. 1 Country for Women in Politics – But Not in Daily Life," npr.org, last modified July 29, 2016, http://www.npr.org/sections/goatsandsoda/2016/07/29/487360094/invisibilia-no-one-thought-this-all-womans-debate-team-could-crush-it.

[48] Lutz, "Reflections on Rwanda's Electoral Regulations," 6–7.

[49] "Rwanda's Constitution of 2003."

[50] Lutz, "Reflections on Rwanda's Electoral Regulations," 6.

[51] "Strategic Plan of the Judiciary 2009–2013," Republic of Rwanda Supreme Court, accessed April 20, 2017, http://www.rwandapedia.rw/cmis/views/workspace%253A%252F%252FSpacesStore%252Fc56874dc-72a6-4914-a615-a73946107e77.

[52] Ensign and Bertrand, *Rwanda*, 71–2.

2000–2001.[53] The Supreme Court consists of a Chief and Deputy Chief Justices and fifteen other judges whom are normally organized into three-judge panels. The President nominates Supreme Court Judges with the input of his cabinet and the 27-member Superior Council of the Judiciary. The appointees must be then approved by the Senate. Judges have a lifetime tenure with the Chief and Deputy positions being for nonrenewable eight-year terms.[54] The model and appointments for the high court follows a similar model. The High Court has primary appellate jurisdiction, but can be the original adjudication for what the Rwandan government describes as particular crimes.[55] The most important specialized court for this discussion will be the gacaca courts developed to adjudicate the hundreds of thousands of cases from the 1994 genocide. Gacaca will described in greater detail later.

The second level within the central government is the province. It serves as a "coordinating entity to ensure efficiency and effectiveness of central government planning etc."[56] Provincial governors are appointed by the president and then approved by the senate. The job of the province is to be the conduit between the central government and the district. Its role is relatively minor in relation to the districts, which is a significant demotion considering the provinces historical key role in governing. There are currently five provinces, Northern, Western, Southern, Eastern, and Kigali, each containing differing numbers of districts.

The form of the central government has all the trapping of many western constitutional governments. There are, however, key aspects of the system which may trump effective contestation and both horizontal and vertical accountability. For example, the Presidents right to appoint eight Senators give him an advantage in the approval process of judicial appointments. In addition, the proportional representation list method

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[53] Margee M. Ensign and William E. Bertrand, *Rwanda: History and Hope* (Lanham, MD: University Press of America, 2010): 71–2.

[54] Republic of Rwanda Supreme Court, "Strategic Plan of the Judiciary 2009–2013," 16.

[55] Republic of Rwanda Supreme Court, "Strategic Plan of the Judiciary 2009–2013," 16.

[56] Gedeon M. Mudacumura, "Accountability and Transparency: Cornerstones of Development and Democratic Governance," in *Challenges to Democratic Governance in Developing Countries*, eds. G.M. Mudacumura and G. Morçöl (Switzerland: Springer International Publishing, 2014), 45.

of electing Deputies, without any allegiance to districts, may create a legislative body with little connection to local citizens and beholden to central level party politics. For much of this discussion, central politics is far less important that politics at the local level. The real and effective devolution of power from the center to the periphery through decentralization, may hold the key to how participation can produce accountability beyond contestation.

C.   LOCAL LEVEL

The Rwandan Constitution is the foundation of the central government's efforts to create a truly decentralized system. A unitary state per Article 168 of the Constitution, Rwanda is organized into provinces, districts, cities, municipalities, towns, sectors, cells. Interestingly, only districts, municipalities, towns, and Kigali proper have legal status to include administrative and financial autonomy.[57] Chemouni explains how the success of Rwanda's decentralization project is unique because of strong local planning and monitoring mechanisms, coupled with a relatively autonomous elected executive at the district level.[58] Thus, districts have a privileged status beyond that of the provinces, sectors, and cells. The Rwandan central government practices what is calls the principle of non-subordination, "whereby the central government is not expected to interfere in the affairs of any local government as longs as the latter maintains good order and respects the constitution and other government laws, guidelines, and regulations."[59] This system places the district as the key node of the decentralized unitary state apparatus.

Councils are the legislative arm of each level of local government. At the cell level, all citizens are members of the cell council. At the sector level, the members of the council are elected directly by the citizenry. The district level council is indirectly elected

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[57] "Rwanda's Constitution of 2003."

[58] Benjamin Chemouni, "Explaining the Design of the Rwandan Decentralization: Elite Vulnerability and the Territorial Repartition of Power," *Journal of Eastern African Studies* 8/2 (2014): 246–7, doi:10.1080/17531055.2014.891800.

[59] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," (April 2013), 4–5, last modified May 21, 2013, http://www.minaloc.gov.rw/fileadmin/documents/Minaloc_Documents/Assessment_of_Local_Democracy_and_Local_Governance_Benchmarking_Rwanda_Against_Aberdeen_Principles.pdf.

through the sector council. There is at the district level, however, a lower level legislative house, or *njyanama*, nominally composed of all district citizenry.

Due to its key role in the local governance system, Chemouni explains how "the [district] council plays a greater role: as it is in charge of, among other things, the approval of annual budgets, five-year district development plans, action plans or recruitment of personnel."[60] The district, or *akarere* is the keystone to the decentralized government structure. The arrangement of the district government contains elements of both legislative and executive functions. Legislative authority is contained within the indirectly elected district council. The method for filling the district council is somewhat complicated. It is intended to give each sector, the next lowest decentralized entity, a representative on the council. The arrangement also provides for a controlled proportion of women and youth as well. As an example, a district with 12 sectors would have a district council of 20 members. First, each sector choses one member of the district council, usually from the ranks of its own sector council, for a total of 12. Each sector also choses one youth member and one female member. The 12 youth picks and 12 women picks then come together in conclave and select 1/3 of their total membership to join the district council. So, 12 sector representatives are added to four women and four youth members to achieve a total of 20. Therefore, the size of each district council is determined by the total number of sectors therein contained. As an example, the Gicumbi district has 21 sectors, 109 cells, and 630 villages, for a total of 38 Councilors.[61] Each member then serves a five-year term in office. The executive arm of each district is the executive committee. Each executive committee is composed of a mayor and four vice-mayors. The executive committee is elected by the district council. The council can remove the mayor and both vice-mayors for incompetence.[62] Each district also has an element appointed from higher. For example, the district executive secretariat is

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[60] Chemouni, "Explaining the Design," 253.

[61] Innocent Ndahiro, "Explaining *Imihigo* Performance in Gicumbi District, Rwanda: The Role of Citizen Participation and Accountability (2009-2014)," Research Paper, Institute of Social Sciences, The Hague (2015), accessed December 2, 2016, http://hdl.handle.net/2105/32926.

[62] Ensign and Bertrand, *Rwanda*, 79.

composed of a pool of appointed technicians.[63] The influence of this group to drive policy and overpower the elected representatives of the people is a huge potential weakness of the system, which will be covered later in greater detail.

All resident citizens above the age of 18 are members of separate, lower district council called the Njyanama. It is a consultative council chaired by the centrally appointed executive secretary, therefore its role appears to be minimal.[64]

As a key part of decentralization and a big player in participation, the district has several key important powers. The most important being the power to levy local taxes and the requirement to balance their own budgets. They also have input in prioritizing requirements from higher. Their ability to agenda set and drive requirements is a point of contention. However, the district's role in central government's view of decentralization cannot be overstated. Districts also coordinate service delivery. If there were a parallel in the United States political regime, the district would be like the county, but not a state.

Immediately below the district is the sector or *umurenge*. As previously discussed, the total number of sectors within each district varies based on geography and population. There are upwards of 20 sectors per district.[65] Although possessing limited power, especially relative to the district, the sector is key because of its role in choosing the membership of the district legislative and executive system. The sector's legislative apparatus is contained with the sector council. The sector council is composed of all members of the sector cells plus an additional six from each cell. The sector council then indirectly and secretly elects a 10-member executive committee for the sector. A key aspect of the sector is the fact that it is the last level of local government where direct elections from below chose the membership of the legislative function, or sector council. Whereas the district coordinates service delivery, the sector is responsible for the delivering services.[66]

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[63] Ndahiro, "Explaining *Imihigo*."

[64] Andrea Purdeková, "'Even If I Am Not Here, There Are So Many Eyes:' Surveillance and State Reach in Rwanda," *Journal of Modern African Studies* 49:3 (2011): 479.

[65] Ensign and Bertrand, *Rwanda*, 79.

[66] Chemouni, "Explaining the Design," 248.

The cell, *akagari* is the last level where the citizenry choses members of the executive committee via direct election. All citizens of the cell are members of the cell council. Therefore, all citizens vote for their cell executive committee. Voters chose the cell executive committee by lining up behind them, so it is not done in secret. In addition, based on the various sizes of cells throughout the country, there are concerns with proportionality.[67] Since all citizens are technically members of the cell council, there is also a concern about the ability to be heard and voice concerns. It is not a representative body, so with a population of several thousand citizens per cell, the ability to be heard may be hindered, and not helped by this institution of direct democracy. As previously discussed, this cell executive committee, along with six others chosen by the council will automatically ascend to become the sector council. Election to the cell committee is an appointment, since one is legally bound to take the post. Except for the executive secretary, all committee members are unpaid.[68] Therefore, the ability to be good stewards of the public's concern's may be hampered when members are divided between their livelihoods and their elected positions. In addition, at the cell level, the appointed technicians are assisted by political teams of decision makers and advisors.[69] This relationship between these groups and potential conflicts caused by this arrangement will be discussed later. Fundamentally, the cell is a conduit to higher regarding "community mobilization and data reporting."[70]

Below the cell is the village, also known as *umudugudu*. Mudacumura describes villages as the smallest administrative entities. They and closest to the people, where most of the peoples' issues are addressed.[71] Benjamin Chemouni describes it as "not an administrative unit, but a channel of grassroots mobilization and information diffusion."[72] The role of the village will be discussed later, especially regarding imihigo and umuganda. The decentralized nature of Rwandan local government will be key to

[67] Lutz, "Reflections on Rwanda's Electoral Regulations," 11.

[68] Purdeková, "'Even If I Am Not Here," 479.

[69] Mudacumura, "Accountability and Transparency," 45.

[70] Chemouni, "Explaining the Design," 248.

[71] Mudacumura, "Accountability and Transparency," 45.

[72] Chemouni, "Explaining the Design," 248.

28

understanding how participation may lead to greater accountability, beyond simple electoral contestation.

Local activities, particularly at the district level, should be where horizontal accountability through all the levels of participation bring the possibility of greater vertical accountability. The activities which happen at the various local level governments is how accountability may be fostered. The following paragraphs will focus on how the "home-grown" Rwandan institutions help to foster greater accountability.

D.   "HOME-GROWN" INSTITUTIONS

There are several local initiatives and processes which the Rwandan government trumpets as "home-grown" institutions. Precariously tracing the lineage of many of these concepts to ancient, pre-colonial practices, these institutions are none-the-less modern in application and come from experiences and knowledge from beyond Rwanda's borders. The first to be discussed will be imihigo or performance contracts. They are then tied to a process of ubudehe, or communal decision making. We will also cover the umuganda, community work projects, and umusanzu, support to the needy. Finally, the discussion will briefly describe the gacaca process, which adjudicated the countless charges of genocide stemming from the tragedy of 1994. The intent of this section is to better understand these processes, so later we can delve deeper to decipher socializing and deliberative aspects which may drive accountability.

The most widely heralded "home-grown" institution of Rwanda is imihigo, which is plural of the Kinyarwanda work of *umuhigo*—promise to deliver.[73] Although there are various nuanced descriptions of this institution's lineage, the best describes imihigo as "a traditional ritual that occurred when a group of people came together and engaged publicly in activities that tested their bravery. The community, as well as the individual was being tested."[74] Although the ancient history of the process is probably apocryphal, anchoring it inside of a historical narrative is useful for legitimacy. The modern form of imihigo is a system of performance contracts made at all levels of government where

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[73] Ndahiro, "Explaining *Imihigo*," 1.

[74] Ensign and Bertrand, *Rwanda*, 75,

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elected and appointed officials pledge to meet a set of targets. The process itself, and its documents most likely are a direct reflection of the Structured Adjustment Programs (SAP)s of the 1980s, and their respective documentation, since "its format is a copy/paste of a typical 'logical framework' used in international development projects."[75] Ndahiro explains how imihigo is based upon three concepts: 1—voluntary within guidelines for public priorities and budgetary constraints. 2—ambition is important to encourage growth and improvement. 3—excellence is the end state. They are then prepared within the model of four pillars: Economic development, social development, governance, and justice.[76]

Per official doctrine, the contracts should result from a participatory process, with districts requiring input from all lower levels of the government.[77] The extent of this input has been a point of contention. Although each level of government from village to the district are required to create imihigo, they appear to be the most important at the district level, where service delivery and fiduciary accountability are most applicable. District level imihigo are signed by the president each year at a special ceremony. The intent is to hold government leaders accountable for their actions and performance, beyond electoral contestation either directly from the citizenry, or indirectly through the various local level councils and committees. Whether this is happening will be discussed in later chapters, but imihigo is considered a key aspect of local governance in Rwanda. The processes to create imihigo are key to its usefulness as a tool. This leads into the next "home-grown" institution.

Ubudehe is a process of community, inclusive, local-level planning which begins at the village level and officially ends with the district imihigo each year. The term can be traced to pre-colonial, collective work in the fields during planting and harvesting. The government now explains it as "a participatory process of needs assessment, budgeting, and planning at the village level, whereby citizens themselves allocate decentralized

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[75] Chemouni, "Explaining the Design," 257.

[76] Ndahiro, "Explaining *Imihigo*," 2.

[77] Ndahiro, "Explaining *Imihigo*," 35–8.

funds according to village priorities."[78] These conclaves held at the various levels of local government are key to the inclusion of local level concerns, wants, and needs into imihigo and other government decisions. The implication of ubudehe is a potential for not only grass-roots participation, but also deliberative processes. Whether this takes place, or how much citizen opinion is entertained is a topic of discussion in later chapters. Regardless, the concept works closely together with the performance contracts to create an avenue for contestation of ideas, citizen participation, and potentially forms of horizontal accountability, as local level legislative bodies work alongside their executive counterparts. The voluntary nature of ubudehe is also an area of interest, especially if citizen involvement is based upon compulsion. Compulsion and coercion are clear aspects of the next type of local institution.

In each locality, on one day of the month (currently the last Saturday) all citizens 18–65 years of age are expected to turn out for special work projects. This mandatory day of service is termed umuganda. The state links this process to traditional, customary traditions which predate colonialism. The state claims that umuganda is now used for labor-intensive public works projects, which help create jobs by improving infrastructure.[79] There is, however, some question as to how compulsory work will build incomes and create jobs. The entire concept of umuganda is most likely a remnant of Mamdani's bifurcated state and its customary labor requirements. This clearly implies coercion and not just work projects for the sake of community harmony. While describing legacies of the colonial state he specifically calls out Rwanda where, "customary labor historically sanctioned by and undertaken for the village community— but now compulsory for the local authority—usually calculated as one day in a week, continued to be the practice in all colonies regardless of reforms in the modern law, and it continues to be the case today."[80] There is a nexus between umuganda and umusanzu,

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[78] Ensign and Bertrand, *Rwanda*, 46.

[79] Ensign and Bertrand, *Rwanda*, 46.

[80] Mahmood Mamdami, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (New Jersey: Princeton University Press, 1996): 157.

which is traditional support for the needy.[81] The coercive nature of umuganda will be discussed in later chapters as it applies to participation and accountability.

One of the most importance institutions to the discussion of participation, deliberation and accountability is the local justice and court process. Between 2005– 2012, the Rwandan peoples used gacaca to adjudicate hundreds of thousands of cases of destruction, rape, and murder which occurred during the 1994 genocide. Faced with the daunting task of ensuring that justice would be served while uniting a deeply divided country, the government needed to develop a system to bring some type of closure. They developed a system of community based trials. In Kinyarwanda, the word gacaca means grass, referring to the outdoors, community locations where the process would take place.[82] In its modern application, the citizenry was given just enough training to fairly judge the multitude of cases. Ensign and Bertrand detail how between 2005 and 2006, over 7,000 trials where completed. As the cases proceeded, the number of suspects skyrocketed from 100,000 to over a million. By 2006, there were 12,000 Gacaca courts with 170,000 judges. By the end of 2007, over one million cases had been heard. Admittedly, the judges received little training, and allegedly suspects were oftentimes encouraged to confess. As of mid-2009, 1,127,706 cases had been completed, around 94%.[83] Beyond its ability to adjudicate the countless cases of genocide and help to heal the country, gacaca may have been a key aspect in the development of a Rwandan polity through its socializing, and more importantly deliberative aspects. Later chapters will discuss how the mere experience of *gacaca* could be a lynchpin in the development of accountability in the Rwandan system.

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[81] Ensign and Bertrand, *Rwanda*, 46.

[82] Ensign and Bertrand, *Rwanda*, 54.

[83] Ensign and Bertrand, *Rwanda*, 69; Many in the West attacked the plan because of its lack of due process and the limited legal training for judges. There were, however, no other realistic options available. Who could have provided enough lawyers and judges to adjudicate over a million cases? In contrast to the performance of the gacaca process, as of 2010 the International Criminal Tribunal for Rwanda had only heard 45 cases, netting 39 convictions and 6 acquittals. The price tag was several billion dollars. Ensign and Bertrand, *Rwanda*, 70.

E.   SPECIFIC INTERACTIONS

The final section of this chapter is dedicated to describing some of the nuances of the system, most importantly the interaction between committees and councils, and the potential for contention between elected and appointed officials at the local levels of government. Both concepts must be understood to analyze them in terms of participation, contestation, and accountability.

As previously described, the election criteria and makeup of each district council is much more organized and uniform than lower level arrangements. There are, however, concerns over each district's respective level of proportionality regarding the councils, since membership is based upon total numbers of sectors. Per Article 125 of Law No. 27/ 2010 and 19/06/2010 political party affiliation in prohibited at the local government level. This is used as a measure to ensure that councils at the sector and district levels adequately "represent the entire population of the sector/district."[84] The overall impact of councils on decision making will be a key focus of analysis regarding socialization and deliberation.

Committees are the executive arm within local governments. Cell level committees are directly elected by citizens. Sector committees are secretly elected by the sector council itself. Therefore, the sector committee is the first indirectly elected executive apparatus within the local government system. The district committee is elected by the district council. Both the district council and committee, the focal point of local governance, are indirectly elected. The nature of direct elections at the cell and sector juxtaposed with the indirect ones held at the district level creates a situation where "the link between voters (and their preferences) and their representatives (and their actions) is tenuous, making it difficult for the population to hold representatives of sectors and districts accountable."[85] Chemouni argues that this system is designed to "promote a depoliticized, but technocratic local elite, loyal to the center."[86] I would further argue that

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[84] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 10.

[85] Chemouni, "Explaining the Design," 253.

[86] Chemouni, "Explaining the Design," 253.

it goes beyond that, since it not only creates a pool of talent for higher elected and appointed positions, but also provides an avenue for the professionalization of the political class. If local level committees fail to provide horizontal accountability for their respective councils, a valuable learning opportunity will have been lost. Furthermore, it would be unlikely that the central legislative branch will not likely move beyond the role of "rubber stamp" if local councils are unable to do so at lower levels of government.

The potentially contentious relationship between elected and appointed officials is another concept which bears special consideration. At the cell, sector, and district levels of local government, appointed executive secretaries appear to hold power over elected officials. Chemouni explains that "in terms of power, elected officials form a committee in the case of the cell or a council in the case of the sector that mainly have a consultative role, the power resting in the hand of an appointed executive secretary, i.e., not accountable to them."[87] The key role these technocrats and bureaucrats hold in the ubudehe and imihigo processes has led one author to state that "decentralization has not increased the voice of the rural poor in policy making."[88] This may be the case at the sector and cell levels, but the superior role of district councils and committees is codified in law. Also, the appointed executive secretaries and their respective staffs would most likely come from the ranks of those with previous experience in local level committees. This topic also has a potential nexus with central level politics and party organization, as these appointed officials may serve as conduits for the main party, the Rwandan Patriotic Front.[89] In the case of the cell level, the executive secretary is the only paid member, which may indicate where the influence and power truly resides.[90] How well these appointed officials work with their respective elected counterparts and whom is really in charge are both key areas of concern for the topic of accountability. This topic will be revisited later while analyzing the participatory and deliberative nature of local institutions, and whether they are truly accountable to the people.

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[87] Chemouni, "Explaining the Design," 252–3.

[88] An Ansoms, "Re-engineering Rural Society: The Visions and Ambitions of the Rwandan Elite," *African Affairs* 108/431 (2009): 309, doi:10.1093/afraf/adp001.

[89] Purdeková, "'Even If I Am Not Here," 480.

[90] Purdeková, "'Even If I Am Not Here," 479.

F. CONCLUSION

The central system of Rwanda appears to provide for a modern, constitutional government with solid check-and-balances. Yet, there are concerns that the authoritarian nature of Rwanda weakens any attempts at central-level contestation or accountability. The lower house of the central legislature is elected through universal suffrage and so is the presidency. Most issues which impact the daily lives of average Rwandans' are dealt with at local government levels. Here too, it appears that contestation is limited through a system which provides at best indirect elections and scant access to officials at the key level of local government, i.e., the district. There are aspects of the local system, particularly "home-grown" institutions which may alter the balance.

Rwanda has successfully established local level governments codified in law with decentralized power. However, if the decentralization project, with its focus on the district, has created an opportunity for real decision making and accountability at the local level is still debatable. With little opportunity for contestation, the local level government system does appear to offer opportunities for participation through socialization and deliberation, and thus accountability. The following chapters will attempt to determine whether this is a reality.

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III. CONTESTATION AND PARTICIPATION

A. INTRODUCTION

To effectively explain how participation can influence accountability beyond contestation, we must analyze how contestation and participation work in the Rwandan government system. Contestation appears weak in Rwanda, contributing to the conclusion that Rwanda is more authoritarian than democratic. This chapter will analyze the national and local levels regarding the different methods of participation through socialization and deliberation. This chapter will build upon the previous chapter, which detailed the basics of the Rwandan government system. There will also be several references to the information covered in the literature review.

B. NATIONAL CONTESTATION

As described previously, the national level of the Rwandan government contains an executive, legislative, and judicial apparatuses just like many other governments. The intent is to build an inclusive government, since "by convention, the Prime Minister, the Speaker of Parliament, the President of the Senate, and the President of the Supreme Court are also expected to be of a different party or tendency from that of the President."[91] Whether by accident or design, the contestation within the system is relatively weak.

The executive is chosen via universal suffrage. There are, however, several impediments to effective contestation. First, the involvement of competing parties is extremely complex and challenging for outsiders to enter the arena. For reasons directly related to the genocide and its aftermath, the Rwandan constitution forbids political parties based upon ancestry, ethnicity, and region.[92] Beyond that, the bar for party recognition and then the submission of contenders is also difficult. Although the participation in the election process is high, per Rwandan government records upwards of

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[91] David Booth and Frederick Golooba-Mutebi, "Policy for Agriculture and Horticulture in Rwanda: A Different Political Economy?" *Development Policy Review* 32 (2014): S177. doi:10.1111/dpr.12081/pdf.

[92] "Rwanda's Constitution of 2003."

97% of the population voted in the last presidential election, the ability to participate as a contender was limited.[93] Similarly, effective contestation is severely weakened since it is difficult to mobilize party support and to run for office. Additionally, the government potentially discourages opposition through repression; for example, the main contender against President Kagame has been jailed on several occasions, and his ability to contend has been severally hampered.[94] The government uses the laws regarding legal party affiliation liberally. The recent moves to enable Kagame to run for an unprecedented (in Rwanda) third term through a national referendum and legislative action may be another indicator of weakening electoral participation and contestation.[95] Many of the same conditions hinder effective legislative contestation and participation as well.

The legislative system of Rwanda is designed to represent the entire country with little affiliation with specific regions. As described in the previous chapter, the Rwandan constitution places a strong impetus on unity as deputies from the lower house are not elected to represent constituencies, but the entire polity. This is primarily achieved through a proportional representation list system. The same limitations and restrictions on party inclusion will then necessarily impact the legislation election process. The party selection process and the proportional representation list system provides a barrier to citizen involvement in the politics at the national level.[96] The upper chamber of the legislature, the senate, provides even fewer opportunities at contestation and participation, because the large proportion chosen by the president gives the executive an inordinate amount of influence on the composition of the senate. Since that senate is then responsible for approving all presidential appointments, such as judges, ministers, and provincial governors, this undermines the ability of the senate to serve as an effective

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[93] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 9.

[94] "Freedom in the World Report 2016: Rwanda," freedomhouse.org, accessed May 27, 2017, https://freedomhouse.org/report/freedom-world/2016/rwanda.

[95] Ryan Goehrung, "At Issue: Ethnicity, Violence, and the Narrative of Genocide: The Dangers of a Third-Term in Rwanda," *African Studies Quarterly* 17:1 (2017): 79–100. http://www.africa.ufl.edu/asq/v17/v17i1a5.pdf.

[96] Alexander Stroh, "Electoral Rules of the Authoritarian Game: Undemocratic Effects of Proportional Representation in Rwanda," *Journal of Eastern African Studies* 4:1 (2010): 7–10. doi.org/10.1080/17531050903550066.

check on executive power. Most the other appointees to the senate come through the district and province, while a few are selected by other professional organizations. Citizen participation and representative accountability is thus doubly undercut; there is no direct links between the citizens and their representatives, and the influence of the President on the Senate makes it so that legislative accountability runs the party, not citizens. There is, however, particularly in the senate system a place for elite influence on politics.

Judicial appointments are the national level come from the president with the approval of the senate. The previous paragraph outlined how this arrangement provides the president with overwhelming influence and power in his or her appointments. How this may influence judicial independence and the power of the judiciary as a check on executive and legislative power will be covered in the next chapter, while dealing with accountability. There are no elections of judges at any levels of government, so there is no participation or contestation in the judiciary. The role of gacaca will be covered separately, since it runs counter to this direction.

Overall, contestation and participation at the national level is low. Ironically, it has been designed as such. The national levels of government have been built to be insulated from local level infighting, because of the fear that such infighting could lead to another round of genocidal actions.[97] This concept is a key aspect the decentralization process which legally anointed districts with powers and responsibilities under the Rwandan constitution.

C. LOCAL CONTESTATION

Contestation and participation is somewhat higher at the local levels of government in the Rwandan system. It is, however, not as strong as one would assume. The combination of direct and indirect elections, coupled with weak to nonexistent party structure at local levels creates a system lacking some of Dahl's six core political

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[97] Chemouni, "Explaining the Design," 246–262.

institutions, of elected officials, fair elections; freedom of expression, alternative sources of information, associational autonomy, and inclusive citizenship.[98]

Working from the top down, district level elections are entirely indirect. The legislative body (the council) is composed of members of lower level sectors with special additions as described in the previous chapter. The important part to note is the minimal involvement of parties at this level. The councilors elect the committee of mayors and deputy mayors. To run for election at the district level, citizens must apply through the National Election Commission, to become eligible. Most of the members elected to the district council are chosen from the ranks of the sector committees. The lower house of the district council is composed of all citizens of the district. The total number of citizens could run well into the thousands, so there is little effective participation as the number could not fit into any district buildings, let alone be granted the opportunity to speak or be heard. Citizens have no role in choosing the membership of the district committee. Composed of the mayor and deputy mayors, the committee is indirectly elected by the membership of the council, and usually from the ranks of the council. The district council has the authority to remove the committee members, however, the lower house has no say in the matter. Although many of the powers of the district are somewhat synonymous to local American politics, minus judicial oversight, the election system could not be more different—citizens have no direct electoral connection to the legislative and executive branches at the district level.[99]

The sector level provides more electoral contestation than the district level. The sector council representing each cell is elected directly by universal suffrage. The council then elects the committee. The citizenry has no say and questionable influence. Both the cell council and committee members are elected directly by the citizenry; however, they are all unpaid positions. The level of compulsion coupled with the lack of financial reparation leaves doubts as to the ability of local electoral officers to provide effective contestation.

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[98] Dahl, *On Democracy*, 84–99.

[99] Chemouni, "Explaining the Design," 246–62.

A key aspect of each council below the district is their apparent lack of independence. Each level is responsible for service delivery and polity mobilization, yet, except for the district council, they lack maneuver space to make independent assessments, influence the respective committees, and challenge ideas from above. They are meant to serve as venues from which to assess and train leaders for higher positions in government; however, if these representatives serve without the ability to act independently, then the experience they gain operating as administrators could prevent them from developing independent attitudes that would help them in higher levels of government. Instead of creating a pipeline of responsible, independent minded actors, it could create the opposite. This would then become systematic of the entire legislative process and produce a sort of cascade effect of conformity, thus weakening the ability to keep the various levels of executive authority horizontally accountable to the legislative apparatus. The symptoms of this would have repercussions on the national stage as well as all levels of the executive. There is also a concern that because the lack of transparency and the lack of a powerful independent press, local elections in Rwanda are suspect since it is easy for "officials to take those decisions back behind closed doors."[100] Although more impactful than at the national level, local elections not provide contestation the full spectrum of contestation necessary for effective democracy.

D.   NATIONAL SOCIALIZING PARTICIPATION

The premise of this thesis is that where electoral contestation is weak, different forms of participation can still affect accountability. Working from the model presented in earlier chapters, participation can be broken down into two major types: socializing participation and deliberative participation—the latter being the strongest of the two. These two types of participation are then further divided into five methods i.e., informing, consulting, involving, collaborating, and empowering, each becoming progressively more powerful.

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[100] Nick Devas & Simon Delay, "Local Democracy and the Challenges of Decentralising the State: An International Perspective," *Local Government Studies* 32:5 (2006): 685, doi:10.1080/03003930600896293.

The logic of how each form of participation leads to accountability is explained through the various columns in Table 2. Each of them represents a distinct type of participation, with differing impacts on accountability.

Table 2. Focus on how socializing and deliberative practices may promote accountability[101]

Cause			Effects		
Types of Participation	Method (IV)s	Catalysts	Level of Influence	Measurable	Types of Accountability (DV)s
Socializing	**Informing**	**Websites, government fact sheets**	Limited	No	Transparency which may foster greater legitimacy
	Consulting	**Public comment through councils and committee involvement**	Weaker public influence	Subtle	Change in opinion and attitudes of both leader and led
	Involving	**Workshops, polling**	Weak public influence	Subtle	Change in details, however minor, of government programs, policy, etc.
Deliberating	**Collaborating**	**Participatory decision making, consensus building**	Stronger public influence	Yes	Clearly visible change in direction of programs, policy, etc., steering of said topics
	Empowering	**Delegating decisions, office holder accountability**	Strongest public influence	Yes	Citizen directed policy change, significantly different from government direction

The national government in Rwanda claims to have made great efforts to inform the population. Albeit a mostly passive affair for the Rwandan citizen, this is a first step in participation. At the national level, the government attempts to provide information through numerous official websites covering various government departments and ministries. Published in Kinyarwanda and English, these sites provide up-to-date documentation of all government plans, decries, policies, and news events. The national government also operates six local and community radio stations, responsible for

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[101] Adapted from Head, "Community Engagement: Participation on Whose Terms?" 441–454.

providing accurate information about government events. Although the citizenry is mostly award of the live radio programming schedule of debates and phone-in discussion, the government readily admits "that radio programs are sometimes not well communicated to the citizens in advance to allow them time to plan their participation in discussions."[102] This first step in the participation chain is important, since without accurate information, the population will have no idea of what is happening or supposed to be happening. It provides a frame of reference as to what the public is to expect. This aspect of participation, however, can become a problem as the participation chain oftentimes ends here. In Rwanda, instead of becoming the foundation for the public's increased participation in the system outside of elections, the government's attempts to inform the public becomes nothing more than propaganda.[103] In and of itself, informing is a dead end for the purposes of fostering participation and accountability. The analysis of informing in terms of its impact on accountability will be described in the following chapter.

The national government's main attempt at consulting with the population beyond elections takes place annually at the National Dialogue Council, or *Umushyikirano*. At this two-day event, all citizenry, appointed and elected members of local government, and key business leaders are invited and highly encouraged to conclave with the president and his ministers. It is "open to public participation and input, and the proceedings and outcome are shared live on radio and national television."[104] Nominally, the national government is consulting with the polity on a multitude of topics from imihigo to potential constitutional referenda. In this setting, the government is not beholden to any opinions or ideas from the citizenry, yet participation is heightened in comparison with simple informing. The key function of consulting is the opportunity for citizens to speak and be heard. There is, however, no requirement for government for government

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[102] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 17.

[103] "Freedom of the Press Report 2015: Rwanda," freedomhouse.org, accessed May 26, 2017, https://freedomhouse.org/report/freedom-press/2015/rwanda.

[104] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 28.

compliance or any way in which citizens can impact what is then decided. Beyond this event, there are limited cases of consultation at the national level. Because of the detached nature of parliamentary politics, deputies and senators do not campaign at the local level in the same way they do in other countries. The level of consultation at the national level is relatively weak.

The final type of socializing participation is direct involvement of the citizenry. This may include workshops, polling, and other more-interactive engagements between the citizenry and their government. The national dialogue conference offers opportunities for this to occur, yet once again, there is little opportunity for direct involvement at the national level. Overall, socializing participation has little influence at the national levels of Rwandan government, since it appears to have been designed to achieve a healthy level of disconnection from local politics and participation. At the local level, however, we expect to see a stronger form of socializing participation in action.

E.   LOCAL SOCIALIZING PARTICIPATION

The framework and institutions at the local levels of Rwandan government are designed to provide for a far more robust form of socializing participation. Just as at the national level, informing of the population is strong at the local level. Local government policies, plans, and Imihigo are published online in English and native Kinyarwanda. The previously mentioned six radio stations in Rusizi, Rubavu, Musanze, Ngoma, Huye, and Nyagatere districts helps to spread the word as well. At the local levels, however, there is a more personal form of informing as citizens can here ideas and decisions in person. Through their direct involvement in village and cell politics to include the cell council, and involvement in the district njyanama, they can hear first-hand what has been decided and oftentimes how. The local government uses multiple forms of written documentation to include handouts, community message boards, public meetings, leader talks, and the post-umuganda village meetings to pass the word as well.[105] While most of this

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[105] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 22.

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information sharing is a top-down affair, it establishes the first step in creating transparency, legitimacy and eventually accountability.

Consultation between the citizenry and government takes place primarily through the local councils and their interactions with the various executive committees. Although consultation does not imply that the government must concur with and approve of public ideas and policy recommendations, the interaction is the beginning of the learning process for participatory politics. This form of citizen participation is still relatively weak, however, as the government may only pay "lip service" to the concerns of the people.[106] There are other opportunities for consultation with the population. The construction of the various levels of imihigo takes place during the annual ubudehe which is designed to create the service contracts at the various levels of local government. Here too, however, the process seems to be top-down. One scholar has noted that while, "the idea is that every household sets its own targets, nobody expressed a sense of having done so independently."[107] The implication is that even household level imihigo are determined by higher levels of authority. More collectively, it seems that the degree of active citizen construction of imihigo may also be questionable, since it appears that most imihigo move forward with little modification. The government is more concerned with citizen buy-in then citizen input. The imihigo process is looking to achieve head nods from the public, but not "good ideas." Although a subtle step in the right direction, this inherently restricts the processes ability to foster a more genuine form of citizen participation.

The final method of socializing participation is the involvement of citizens in the decision-making process. Whereas consultation is principally a nuanced form of looking for compliance, involving is a more aggressive form in which citizens are involved in making plans and spreading ideas. Rwandan law clearly establishes "that council meetings should be open to the public and the council has the right to invite any person

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[106] Chemouni, "Explaining the Design," 246–262.

[107] Malin Hasselskog, "Participation or What? Local Experiences and Perceptions of Household Performance Contracting in Rwanda," *Forum for Development Studies* 43:2 (2016): 186, doi:10.1080/08039410.2015.1090477.

whose knowledge and skills [are] needed in the topic under discussion."[108] If the people speak up in these venues, there is an opportunity to practice real involvement. There is scant evidence to suggest that people do speak in these venues. This would be required to improve upon the weakness of civil society organizations.

Another aspect of local planning, ubudehe, in principle, should facilitate citizen participation. Notionally, the process of ubudehe begins when individual families determine "what they need, and what they will commit to each other."[109] Next, one-hundred families come together in the village and collectively determine their needs. As several authors have noted, the advertised level of individual, family, and village input is suspect, and many, if not most of the imihigo documents are designed as a sort of checklist of topics and requirements.[110] The family will check the box for issues pertaining to themselves. Some are mandatory, while some are not. While this does not promote active citizen participation in the form of designing and conceiving of their own plans and targets, it does promote a form of limited participation. Based on observations from the Rwandan Governance Board and the Citizen Report Card for 2010, the Rwandan government admits that "participation is low where participation is indirect through local council representation as sector and district level, where decision making requires technical skills that are sometimes lacking in the areas such as planning and budgeting."[111] The socialization aspect of being a part, however small, in the process is key to building a democratic polity, so this must be addressed through ongoing education and practical experience. The effects of involvement and consultation would be extremely nuanced, yet their very appearance could be an example of participation helping the achievement of accountability.

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[108] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 23.

[109] Ensign and Bertrand, *Rwanda*, 78–80.

[110] Ndahiro, "Explaining *Imihigo* Performance," 28.

[111] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 17.

F.   NATIONAL DELIBERATIVE PARTICIPATION

Although socializing participation has a key function in building the foundation of a democratic polity, by itself its impact is still limited. The next form of more active citizen involvement is in the process of deliberative participation. The first form of deliberation, or collaborating takes place when the different pieces of the government and citizenry come together and create law and policies. Even when citizens are represented more indirectly, as in the Rwanda local system, we could expect to see some type of steering on matters of policy and law. At the national level, this is weak and or non-existent from the common citizen. There is, however, elite collaboration through the ministerial officers and the legislature. The most influential type of deliberative participation is the actual empowerment of a group of people to make decisions, oftentimes counter to the desires of elites. Those decisions then become the outcome. Once again, at the national level the local citizenry has limited influence on national decision. There is a strong elite level of empowerment within the legislative and judicial branches to counter executive, administrative decrees.

G.   LOCAL DELIBERATIVE PARTICIPATION

Collaborating and empowering forms of participation at the local levels of government are key to understanding how participation with minimal contestation can still foster some degree of accountability. The methods of collaboration must involve participatory decision making, which help foster true consensus building. Collaboration is a key aspect of the relationship between executive and legislative i.e., committee versus council, from the village to district levels. At the village and sector levels, the ability for the people to come together in conclave to decide matters along with their elected officials is important, since it further increases the level of buy-in by the polity. If the system is working, the citizenry is being heard and feels that in many instances, their ideas are followed. Whether this occurs in Rwanda is a point of contention.[112] Once again, there is not necessarily an obligation by the elected to comply, but when they do the foundation of democracy is bolstered. Even at higher levels of the local government,

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[112] Ansoms, "Re-engineering Rural Society," 289–309.

although executive committees may have a free hand on an issue, acting counter to the will of the legislative council without collaborating could weaken the legitimacy of any policy. This can also impact the relationship between appointed technocrats and the executive committees. For example, if the committee and technocrats have contrary outlooks on an issue, it may create a wave of discontent, beyond what may happen at the ballot box or when the appointed official's tenure is up for reassessment. Ubudehe is another key local institution where collaboration is key to developing imihigo and other local programs. Although the direction from the top can possess elements of coercion, the voice of the people can improve upon current issues, and help influence further dialogue due to the iterative nature of elections. There is also a collaborating aspect to gacaca, as the level of interest, compliance, work ethic concerning any project may impact further planning and ventures.

The pinnacle of participatory methods are ones which empower the citizenry with decision-making authority. This empowerment may take multiple forms, but they all must involve a high of direct citizen control over issues. In the United States justice system, the ideal form of empowerment is the jury system. A jury of one's peers is alone responsible for determining guilt or innocence, regardless of what the government may think. This also may be visible in proposition movements across the United States, where the citizenry votes and makes the decision for the implementation of laws. Understandably, this is a risky proposition for governments with little belief in the ability of the polity to decide on important issues. It requires all aspects of Dahl's good governance to be effective. Although completed in 2012, the gacaca process is a solid example of empowerment—with continuing influence in local governing. Local citizens were given basic legal training and expected to adjudicate even the highest levels of felonious crimes. As we will see in the next chapter, this may have had an extremely important role in the evolution of accountability in the Rwandan system. Unfortunately, in most of the other legislative and executive local levels organizations, this form of empowerment is low to nonexistent. Empowerment is where the intangible aspects of participation become accountability, but if the local executive has overriding veto authority, true empowerment is limited.

H.   CONCLUSION

Although electoral contestation appears high at the national level, the lack of ability to directly steer the national dialogue, the difficulty in entering the national election system in the proportional representation list system, and the disconnect between delegates and local government undermines that contestation. The local level is also suspect regarding contestation, as actual direct elections end far below the all-important district level of government. Beyond this lack in contestation, we hope to determine that fundamental aspects of participation beyond congestion can still bring accountability.

The dominant form of participation at the central levels is almost entirely restricted to socialization. Informing is provided by radio and Internet communication. Consulting and involving is nominally conducted at the annual Umushyikirano. Collaboration and empowerment are nonexistent at the national level. Understandably, local level participation is much higher. The same venues apply for informing to include the addition of in-person talks and information boards. Consulting and involving take place within the various councils from the village to district level. The level of deliberative participation, even at the local level, is low. It appears that the councils, except for the district level where it is constitutionally mandated to perform certain functions, are largely not empowered to make decisions. In the following chapter, we will seek to determine how much they can steer the process, which would indicate some level of actual collaboration. All forms of participation are clearly there, but if and how well they can bring accountability is difficult to determine. The following chapter will look at evidence, however subtle, which may indicate greater accountability.

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IV.   ACCOUNTABILITY

A.   INTRODUCTION

The previous chapter surveyed the various types of participation at the central and local levels of Rwandan government. We described how the various forms of socialization (informing, consulting, and involving), and deliberation (collaborating and empowering), were manifested through various forms of Rwandan government institutions. In the absence of a strong regime of electoral contestation, we premise that participation can bridge the gap by providing alternate routes to accountability. The challenge, which this chapter hopes to address, is to explain how each type of participation can achieve accountability. The chapter will further address how differing combinations of socializing and deliberative participation may bring about horizontal and vertical accountability. I posit that participation is a good, in and of itself, capable of bringing accountability regardless of the weakness of the regime of contestation. To review, I suggested three potential explanations for how this may happen.

Explanation #1. Participatory institutions that involve socialization are likely to foster horizontal accountability but less so than those which offer opportunities for deliberation.

Explanation #2. Participatory institutions that foster deliberation are likely to produce horizontal accountability.

Explanation #3. Participatory institutions that provide opportunities for both socialization and deliberation are more likely to improve vertical accountability.

So far, the focus has been on the types and methods of participation facilitated at the different levels of government by several specific programs unique to the Rwandan experience. The next step, key yet most challenging, is to determine how these methods of participation can bring about accountability. This chapter will carefully map methods to effects which may demonstrate the development of accountability. By following the same construct of five forms of participation falling into the two types of socialization and deliberation, it is possible to then determine how horizontal and vertical

accountability may be fostered. First, we will analyze how socializing participation can bring about horizontal accountability both at the national, and more importantly at the local level. Next, we analyze how deliberative accountability can foster horizontal accountability. Finally, we will postulate how both forms of participation working in tandem may bring about vertical accountability, using examples from local Rwanda government institutions. Accountability through socializing participation is subtle, yet still visible, at the local levels and through the home-grown institutions. Deliberative participation is surprisingly strong in several of the home-grown institutions.

Although elusive, at multiple levels of government and through the various Rwandan institutions, there is some evidence to indicate accountability. Although suspect to manipulation, the most readily available source for research and data on the topic of accountably comes from the Rwandan government. Several documents highlight not only successes, but failures of the system. Many of the documents reveal true introspection on the part of the Rwandan government.

A particularly useful document produced by the Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," details how the system achieves or fails to achieve the twelve Aberdeen agenda items[113] from the 2005 meeting of the Commonwealth for Local Government Forum, of which Rwanda is a member. The twelve Aberdeen Principles are:

1. Constitutional and legal recognition for local democracy

2. Political freedom to elect local representatives

3. Partnership and cooperation between spheres of government

4. Defined legislative framework

5. Citizens participation in local decision making

6. Open local government – accountability

7. Open local government – transparency

8. Scrutiny of the executive

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[113] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles."

9.   Inclusiveness

10.   Adequate and equitable resource allocation

11.   Equitable services and capacity building for effective leadership

12.   Building strong local democracy and good governance[114]

Consisting of 52 countries, the primary mission of the Commonwealth for Local Government Forum is "to promote and strengthen effective democratic local government throughout the Commonwealth and to encourage the exchange of good practice in local government structures and services."[115] The Rwandan Ministry of Local Government spells out its conception of accountability in the "Benchmarking," document:

> In terms of accountability and notwithstanding Local Governments Autonomy, Local Authorities are required by law to be accountable for their actions. Districts have two accountability levels - upward accountability to the Central Government and downward accountability to the citizens - for both local taxes and political mandate. Districts provide accountability to the Central Government for the resources transferred to them to implement districts plans. In so doing districts are supposed to account to the Central Government in relation to exhibiting sound procedures for use of national resources.[116]

The "Benchmarking" document used a combination of desk review and field research within certain districts to determine its results. Their techniques included focus group discussions, face to face interviews, and on ground physical observations. Together with the work of other academics, it is possible to demonstrate the subtle changes wrought through different participatory measures. The effects are the differing way in which accountability is built and sustained, as described in Table 3.

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[114] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 1.

[115] "The Aberdeen Agenda: Commonwealth Principles on Good Practice for Local Democracy and Good Governance," Commonwealth Local Government Forum, accessed May 26, 2017, http://www.clgf.org.uk/default/assets/File/CLGF_statements/Aberdeen-agenda.pdf.

[116] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," x.

Table 3. Focus on the potential effects of participation: Accountability[117]

Cause			Effects		
Types of Participation	Method (IV)s	Catalysts	Level of Influence	Measurable	Types of Accountability (DV)s
Socializing	Informing	Websites, government fact sheets	**Limited**	**No**	**Transparency which may foster greater legitimacy**
	Consulting	Public comment through councils and committee involvement	**Weaker public influence**	**Subtle**	**Change in opinion and attitudes of both leader and led**
	Involving	Workshops, polling	**Weak public influence**	**Subtle**	**Change in details, however minor, of government programs, policy, etc.**
Deliberating	Collaborating	Participatory decision making, consensus building	**Stronger public influence**	**Yes**	**Clearly visible change in direction of programs, policy, etc., steering of said topics**
	Empowering	Delegating decisions, office holder accountability	**Strongest public influence**	**Yes**	**Citizen directed policy change, significantly different from government direction**

B.   INFORMING

The effects of informing are greater transparency, which is the first step for socialization—an important aspect of accountability. The first logical step in developing accountability is seeing clearly. The citizenry must be able to see what the government is doing, says it is doing, and whether they are doing it. Yet, to see an issue or government clearly, the polity must have the ability to look where it wants, when it wants. That is the challenge with informing. On the former point, the national level has taken some steps at improving transparency. On the latter, the ability of the citizenry to poke and prod where it wishes is still limited. It is difficult to measure the effects of informing, since the resulting impact on accountability cannot readily be separated from the other aspect of socialization. The effects of informing on accountability is the most difficult aspect of

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[117] Adapted from Head, "Community Engagement: Participation on Whose Terms?"

socializing to measure, yet it is one of the most important since citizens require accurate information to make educated decisions.

At the central level, print media, websites, radio, and television all contribute to informing. Yet, as previously described, they are under overarching government control about what is said—there is little citizen influence over what is predominantly on the airwaves, and a free press has been restricted for many years. There are, however, conflicting views on the ability of the press to get accurate information in Rwanda.[118] President Kagame has stated that although information and communications technology may be a nice-to-have for the rich, they are necessary for development. The Rwandan leadership believes that the Internet is not just important as a public forum, but even more so for its economic potential; it is therefore a force-multiplier and thus key to improving service delivery, which is the primary fruit of accountability in a developmental state. So far, the central government has not taken any overt measures to restrict the Internet in Rwanda.[119] Beyond the media, the National Dialogue Council is another means of informing the citizenry. There are, however, issues which would need further research. For example, although regular citizens are allowed and encouraged to attend, and people can call-in and ask questions, how vetted and controlled is this access? Is this a somewhat "fixed" event like so-call "town hall" meetings in U.S. politics? Although bottom-up ability to inform is suspect, there is little doubt that the central level of government has many means to provide information to the masses.

Locally, however, the information chain is much more fluid. The citizenry has a greater ability to see where they wish. Through local level committees they can hear deliberations. Even at the district level, the Njyanama allows all citizens the opportunity to be present. The government readily admits that although districts publish their respective budgets on notice boards and sometimes online, few citizens are aware of the

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[118] "Freedom of the Press Report 2015: Rwanda," Freedom House, accessed May 26, 2017, https://freedomhouse.org/report/freedom-press/2015/rwanda.

[119] Iginio Gagliardone and Frederick Golooba-Mutebi, "Is There a Developmental Model of the Internet Emerging in Africa?" *Democracy in Africa: A Resource for the Study of Democracy in Africa* (blog), October 30, 2014, http://democracyinafrica.org/developmental-model-Internet-emerging-africa/.

practice.[120] Also, through the imihigo process citizens are "made aware of government policies and made to focus their efforts and resources on national priorities."[121] Informing participation happens frequently at local levels, but even though "there are multiple venues to inform the communities, most local government entities lack formalized and structured communication strategies."[122] Therefore, informing at the local level, although vibrant and multifaceted, is still ad hoc affair and does little to contribute to concrete vertical or horizontal accountability.

Informing is an important first step in our construct of participation. It is the first step in socialization, yet without other aspects of socialization the control of information dissemination stays with the government. Only when consulting and informing come to play, will the ability of citizens to look where and when they want become reality. As the Rwandan Mudacumura explains, "the point worth underscoring is that with the absence of formal enforcement, transparency alone cannot promote accountability."[123]

C.   CONSULTING

The next level of socializing participation is consulting. Consulting involves the ability of the public to comment on issues through various committees and councils. This begins a conversation with the government, even if the government is in no way officially beholden to the opinions of the citizenry. Consulting may not constitute a form of accountability unless the government changes its opinions or behavior after consultation, but it is necessary component of the process of creating accountability. Without access to government officials, citizens cannot exert influence or express opinions on about government performance. If participation and electoral turnover is restricted, a guarantee of citizen access becomes even more important. Therefore, regular consultation becomes foundational to more effective accountability. Effects of consulting on accountability

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[120] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 50.

[121] Hasselskog, "Participation or What? Local Experiences and Perceptions," 193.

[122] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 52.

[123] Mudacumura, "Accountability and Transparency," 47.

may manifest as changes in opinions of both the government and the citizenry, however subtle. At the central level, the impact of consultation is minimal, but still existent through the annual National Dialogue Council. At the local levels, both through the government institutions and the home-grown institutions, we see a more active role for consulting.

At the central level, the key means of citizen consultation is the National Dialogue Council. As previously discussed, this two-day event not only gives the citizenry the opportunity to hear about new government concepts and ideologies, but grants them the opportunity to call in, email, or ask questions in-person of their government officials. Key leadership from the sector, cell, district, region, and national government are all in attendance—to include the president. A well-publicized event, it is widely viewed on television, heard on multiple radio stations, and streamed online as well. Per government statistics, it is a widely popular aspect of the system.[124] One of the main critiques of the program is that for the common citizen with work, children, and countless other responsibilities, the two-day national dialogue council, although popular, is too short for many citizens to become involved with.[125] More detailed study of the National Dialogue Council would be required to determine its actual efficacy, and whether opinions are changed in a substantial way. Our premise is that when the citizenry can speak up and critique the government or system, regardless of a total lack of power to sanction, there is power in knowing that the government has heard and recorded the opinion. There is no guarantee or even expectation that the government complies, yet in a subtle way the government has at least admitted to hearing the problem. This is a crucial step in validated in the voice of the people. The government has been increasingly open to discussing contentious topics at the Dialogue, since it provides a venue to discuss touchy subjects without threatening the regime in power. Yet, as Omar McDoom states, "what it cannot become, however, is a permanent substitute for the freedom of political parties

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[124] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 12–3.

[125] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 51.

and the freedom of the press."[126] The fundamental right of the people to be heard has been partially met, but not fulfilled.

As would be expected, involvement at the local level is more pronounced. Citizen involvement at the local level is encouraged through the various local level legislative bodies. Through their directly and indirectly elected representatives, the "ward-based elections provide a direct link between citizens and their councilor, contributing to accountability."[127] Although upwards of 75% of citizens claim to be actively participating in local governance, it is questionable how often they actual speak up and are heard in many of these forums.[128] If the citizenry is interested in any topic, they may also directly contact their elected officials. Through the Ministry of Local Government website, email and phone contact information is available for all district executive secretaries, vice-mayors in charge of social contact, vice-mayors in charge of finance and economic development, district mayors, and the chairpersons of the district councils.[129] Little research has been done to accurately describe the likelihood that the citizenry will use these venues to speak up and be heard. There have been limited efforts to teach the citizenry of their rights and privileges within a democracy, however, the findings suggest that although "program increased citizens' willingness to voice concerns about local governance. ... the size of these effects was modest, and the program did not impact citizens' awareness of government meetings, familiarity with government officials, or perceived access to government information."[130]

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[126] Omar Shahabudin McDoom, "Rwanda's Exit Pathway from Violence: Strategic Assessment," World Development Report: Background Case Study, 62054, World Bank (2011): 20, http://eprints.lse.ac.uk/36291/.

[127] Nick Devas & Simon Delay, "Local Democracy and the Challenges of Decentralising the State: An International Perspective," *Local Government Studies* 32:5 (2006): 683, doi:10.1080/03003930600896293.

[128] Bernis, Byamukama, "Performance Contracts and Social Service Delivery-Lessons from Rwanda," Rwanda Field Office Policy Brief, African Development Bank (2012): 10.

[129] "Local Government Contacts, Ministry of Local Government, Republic of Rwanda, accessed May 26, 2017, http://www.minaloc.gov.rw/index.php?id=535.

[130] Ira Nichols-Barrer, Ali Protik, Jaqueline Berman, and Matt Sloan, "Impacts of Supporting Civic Participation in Local Governance: Experimental Evidence from Rwanda," *Mathematica Policy Research* (2015): 4, http://cega.berkeley.edu/assets/miscellaneous_files/33_-ABCA_Rwanda_Civic_Participation_Impacts_Jan2015.pdf.

At the local level, imihigo and gacaca further demonstrate the effects of consultation. A major critique of imihigo contends that the path to develop these service contracts is not responsive to citizen input. Although the government details how imihigo is developed from the village to district levels through the ubudehe process, most academics feel it is mostly a top-down affair.[131] The service contract concept has gathered steam and is even used at the family and individual levels. Per government data, citizen satisfaction about the formulation of imihigo performance contract reports ranks at a paltry 30.8%.[132] One academic sees the imihigo process as social engineering which "introduces certain social obligations or prohibitions."[133] Some examples of central level directed requirements include: the need to wear shoes, build stables for livestock, and the prohibition of grazing outside of homestead.[134]

As the people feel increasing pressure to comply, they also begin to understand how their elected leaders may also feel the pinch of accountability. Jesse McConnell explains how "since its inception, imihigo has now effected every cadre of society insofar as these commitments are found within government, departments, schools, even in families."[135] Imihigo day is also a venue where moods and perceptions are gradually changed. During imihigo days throughout the country, district mayors present their outcomes to the people and chain-of-command. They thus have ownership of both their successes and failures. Through the imihigo process, "both levels of accountability mark the shifting degree to which mayors themselves are increasingly viewed as servants of their communities, and accountable to deliver as such."[136] Overall, the burden of imihigo compliance is shared by leader and the led. This shared sense of accountability to higher sources of authority may contribute to government accountability to the people, since the

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[131] Ndahiro, "Explaining *Imihigo* Performance," 28–9.

[132] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 18.

[133] Ansoms, "Re-engineering Rural Society," 304.

[134] Ibid.

[135] Jesse McConnell, "Institution [Un]Building: Decentralizing Government and the Case of Rwanda," *Robert Schuman Centre For Advanced Studies*, European University Institute Working Paper 39 (2010): 3.

[136] Ibid., 4.

effectiveness of service delivery is a key indicator of success and inseparable for the citizenry.

Beyond imihigo, the gacaca trials also marked a change in attitudes from both leader and led. From the time of its implementation through its conclusion, the concept of gacaca underwent subtle shifts which underscored a change in the attitudes caused by citizen involvement. Although the intent of the trials was to convict or acquit those culpable in the 1994 genocide, the citizens' personal motivations and subjective meanings changed certain aspects of the system. Phil Clark explains how participation became a sort of obligation to bear witness to the crimes, more so than a duty to prosecute those responsible. There was also a great concern to determine the true fate of lost family members and the potential recovery of their bodies.[137] None of this was anticipated with the law, nor was it a requirement. This mood change towards gacaca as it continued would also later impact legal aspects of the gacaca process, as will be discussed in the next section.

D.   INVOLVING

The next, and most important, type of participation is involving. Through workshops and polling and deeper citizen involvement with decision-making, we can expect to see changes in laws and regulations, albeit minor, which reflect growing citizen influence over decisions and ideas. At the central level, there is little to no direct citizen involvement with decision making beyond electoral contestation. This appears to be by design as described in the previous chapters. There are, however, interesting indications of involvement impacting accountability at local levels of Rwandan government.

As previously described, by most accounts imihigo goals are driven by the central government. By its definition, the developmental state requires direction and guidance to achieve its ends. For this reason, it is understandable that a developmental state will contain a least some element of coercion and guidance. In one example, An Ansoms described a situation in which traditional wood-fired brick making ovens were banned for

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[137] Phil Clark, "Bringing the Peasants Back In, Again: State Power and Local Agency in Rwanda's Gacaca Courts," *Journal of Eastern African Studies* 8:2 (2014): 201–7, doi:10.1080/17531055.2014.891782.

environmental reasons without the consent of the citizenry. Brick making was effectively banned. They then stipulated that the traditional ovens must be replaced with modern ones. This would not only create a burden for the people, but necessarily work to the advantage of the sellers of modern ovens. Even if the decision was made with good intentions i.e., to prevent deforestation, the result was hardship for the citizenry. After several months, the decision was partially reversed as brick making was allowed, but only with modern ovens.[138] Without further research we have no way of knowing whether it was civil society organizations, business interests, citizen complaints, or a combination of them which precipitated the decision's reversal; we do know it was changed. The citizenry is not a monolith, since there are competing interests within the voting public. This example, which seemingly privileges external business actors may show how one faction, or business interest has gained influence within the government— accountability.

Once again, gacaca presents another example of participation impacting accountability—this time through involving. Phil Clark details how the gacaca process demonstrated how inclusiveness could change government policies and programs. He explains how the Rwandan government demonstrated responsiveness to popular agency, when it modified the gacaca regime because of threats to witnesses and the system's overall sluggishness. At the behest of local judges pushing for change because of citizen opinion, the government took measures to speed up the process, and took certain sexual oriented crimes out of the hands of gacaca and placed them under the jurisdiction of other courts. A most telling change came when forgiveness became a key aspect of the program. As the gacaca process unfolded, the citizenry began using the process for purposes beyond adjudicating justice. Just as gacaca gave citizens the chance to learn the fate of their lost loved ones, it also evolved to give them greater closure through the ability to formally forgive the perpetrators of the genocide. This eventually became codified into the program, something initially beyond its scope. The drive to include

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138 Ansoms, "Re-engineering Rural Society," 304.

forgiveness as an opportunity for community healing, as an official aspect of gacaca demonstrated how involvement could precipitate change in government programs.[139]

As these examples suggest, the ability to change government policy and the details of programs can happen outside of elections and contestation. In the former example, business interests concerning the implementation of aspects of a service contract may have created an opening for change. By identifying and addressing issues with the gacaca process, the involvement of regular citizens allowed for modification of the program. Together, informing, consulting, and involving socialize both the polity and the elected to create increased accountability.

E.   SOCIALIZING OVERALL

Per our first hypothesis, participatory institutions that involve socialization are likely to foster horizontal accountability but less so than those which offer opportunities for deliberation. If accountability is a combination of answerability and enforceability, socializing participation primarily supports the former. First, it essential to have a free flow of information up and down, left and right. Through consultation and involvement, that information flow can become more accurate and specific. When people can freely express their opinions, those opinions may gain value. Even when there is no guarantee of government compliance, the value of being heard is important in and of itself for the laying a groundwork for future discussions. This ties in with the iterative nature of the democratic process. If citizen concerns are consistently ignored, the long-term implications are lack of government legitimacy. Ever so slight changes in the government's course, indicate the efficacy of socialization as an aspect of participation. When citizens are involved in the crafting of ideas, however minor, there is an expectation that at least some of the ideas gain a foothold.

At the central government level, we do not find the full spectrum of socializing in action. Although keen on informing the population, the only form of consultation is found in the National Dialogue Council. Although a popular institution, it is not entirely responsive, nor is there any evidence that ideas, moods, or attitudes are necessarily

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[139] Clark, "Bringing the Peasants Back In," 201–7.

changed. Involvement of the citizenry at the central level is lacking. The local system, however, exhibits all aspects of socializing participation. Although most the socialization is done through the home-grown institutions which operate within and without the local system, the local system of citizen representation also provides venues for socialization. As demonstrated by the previous examples, we should expect that horizontal accountability at the central government level would be lacking. The government readily admits that civil society organizations are weak, particularly at the central level.[140] Whereas, at the local levels there is growing ability for individuals, civil society organizations, and other interests to impact the process. Regarding overall accountability, citizen satisfaction and confidence in the status of decentralized governance has increased from 65% in 2006 to 74.2% in 2011.[141] A key aspect of socializing participation is the iterative learning process contained within.[142] The Rwandan government readily admits that many citizens are still not aware that elected officials are then accountable to them, yet the trend seems to be positive.[143] The overall socializing aspect of participation appears to be working at the local levels of government. This first piece of participation is important, yet not fully complete until true deliberative institutions are enabled.

F.   COLLABORATING

As we cross the threshold beyond socialization, the next method of participation is collaboration. Establishing the foundation of deliberative participation, this collaboration happens via participatory decision making and consensus building. The effects of these processes are a clearly visible change in direction of programs, policies and ideas, i.e., steering. The concept of steering is key to the collaboration process. When the citizenry begins to influence and control the agenda, an important element of accountability is fostered. As would be expected from the previous chapters, this type of

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[140] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 19–20.

[141] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 18.

[142] Lindberg, *Democracy and Elections in Africa*.

[143] Government of Rwanda, Ministry of Local Government, "Benchmarking Rwanda Against the Aberdeen Principles," 18.

participation is a challenge to manifest. It is lacking entirely at the central government levels and only nascent at the local level. Once again, the gacaca process was an encouraging opportunity for steering, as is imihigo though the ubudehe process.

Previous chapters detailed how particular aspects of gacaca helped to foster accountability through socialization. The process also demonstrated steering in several aspects. Arguably, certain outcomes already discussed could fall into the steering category. Beyond those examples, two other changes in gacaca are pertinent as well. Just as bearing witness became a purpose of the trials, also memorialization became a goal. Gacaca became an opportunity for citizens to memorialize lost family and friends. More importantly, admitting potential Tutsi culpability came into the picture. The central government was clearly not interested in being implicated in any atrocities, yet Clark described how on several occasions at different locations, more independent minded gacaca judges took the time to hear these viewpoints and allow for these opinions to be heard in the open.[144] This not only demonstrated all aspects of socialization, but also the steering of agenda emblematic of collaborations and greater deliberation. The ability to take this stand clearly demonstrates a new sense of independence and indicates that greater accountability is being fostered.

G.   EMPOWERING

The ultimate form of participation is citizen empowerment. We would expect to see empowerment in the form of decision making being delegated to the citizenry directly. Empowerment may also be demonstrated through office holder accountability or removal. The effects of this empowerment may be drastic change in government policy and the removal of elected and appointed officials through citizen influence. This would demonstrate the strongest from of citizen participation. As expected this is not possible at all levels of government, nor is necessarily desirable to be present at all levels. A national level government subject to direct, daily citizen oversight would not only violate the precepts presented by Dahl and his ideas of democracy, but also cripple said government.

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144 Clark, "Bringing the Peasants Back In," 203.

Alternately, the careful application of empowering participation at local levels through appropriate institutions is key to fostering accountability and greater citizen involvement.

As explained, empowerment exists at the local levels in the Rwandan system, but only sparingly. Gacaca serves as an example of empowerment, as does the high rate of District Mayor removals. In the case of gacaca there are examples if independent action and decision making by local judges, sometimes counter to government dictates. Phil Clark describes how the gacaca judges were willing at times to take the initiative and counter the wishes of the central government. For example, during the trials, a large complaint was the lack of interest or even the actual denial of Tutsi complicity in the violence during the genocide. This included implied the active denial of violence perpetrated by RPF forces as they seized territory from retreating Hutu militias. Counter to wishes from higher courts and government pressure, on several occasions, gacaca judges took the time to hear complaints from Hutu's about alleged Tutsi atrocities. Although this did not necessarily lead to prosecutions, the decision to allow this discussion was an example of citizen empowerment of a high degree. The judges had no statutory reason to allow for this dialogue, yet were moved by the citizenry to hear these stories, possibly at great risk to themselves. This example serves as an indication of citizen empowerment, however subtle.[145]

Beyond this specific example of gacaca judges demonstrating empowerment, the entire concept behind gacaca is empowerment. A similar analogue would be the U.S. jury system. In many respects, the jury is the ideal form of empowerment and citizen deliberation. A jury is the final say in a court trial; if the jury determines that the defense is not guilty, that decision cannot be overruled by a judge or any political dictate from higher. Thus, the jury is pure deliberation and citizen empowerment. As has been previously described, the establishment of gacaca necessitated the hasty training of citizens, who were essentially legal laypersons, to become the judges—analogous to the U.S. jury system. These judges realized the influence and prestige of their positions, and many of them harbored greater influence in their communities even after the process had

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[145] Clark, "Bringing the Peasants Back In," 201–7.

ended. Phil Clark describes how "many gacaca judges claimed to have gained a new moral and political standing in the community because of their ability to guide difficult discussions. They claimed that community members come to them for advice on daily matters because they have proven adept at mediating disputes and providing wise counsel."[146] In light of the overarching perception of Rwanda as an authoritarian juggernaut, this insight is a compelling as it demonstrates the possibility of citizen empowerment through true deliberative participation.

In our latter example of mayor removal, the high rate of mayoral turnover is indicative of horizontal accountably. According to Scher, the removal of these mayors is predominantly tied to failure to achieve imihigo service delivery goals, although "many had been ousted, and in some cases jailed, due to corruption and irregularities in procedure."[147] There is, however, little discussion as to exactly how and by whom the mayors are removed from office. As previously discussed, the district council has the sole authority to remove mayors for issues of discipline and failing to meet standards of performance. The role of the district's citizen council, the njyanama, in these removals has not been explored, nor has the potential of higher authorities pressing for mayoral removal. It is possible that forced resignations and dismissal is a covert way for the central government and the ruling party to politically dispose of leaders "whose loyalty is questionable."[148] Regardless, the district councils have demonstrated empowerment on multiple occasions through their liberal relief of district mayors. Greater study on this topic may demonstrate further aspect of citizen empowerment if the role of the citizen council is shown to play a key role in this process, however, the fact that the njyanama is

[146] Phil Clark, "Overstating the State: Gacaca, Government Control, and Citizen Agency in Rwanda," *Democracy in Africa*, last modified May 10, 2014, http://democracyinafrica.org/overstating-state-gacaca-government-control-citizen-agency-rwanda/.

[147] Daniel Scher, "The Promise of Imihigo: Decentralized Service Delivery in Rwanda, 2006–2010," Princeton University, Successful Societies Series (2010), accessed May 26, 2017, http://successfulsocieties.princeton.edu/publications/promise-imihigo-decentralized-service-delivery-rwanda-2006-2010.

[148] Omar Shahabudin McDoom, "Rwanda's Exit Pathway from Violence: Strategic Assessment," World Development Report: Background Case Study, 62054, World Bank (2011): 28, http://eprints.lse.ac.uk/36291/.

chaired by the appointed executive secretary, may limit its independence.[149] Weak forms of citizen and local institutional empowerment appear to be present in Rwanda, but a proper causal chain will require greater research and study.

H.   DELIBERATING OVERALL

Per our second hypothesis, participatory institutions that involve socialization are likely to foster horizontal accountability. If accountability is a combination of answerability and enforceability, deliberative participation primarily supports the latter, since the people can make decisions somewhat independent of the government. Overall, the Rwandan system contains little opportunity for deliberative participation. Furthermore, its impact on accountably is difficult to ascertain without greater research. Collaboration and empowerment are present within gacaca. Collaboration would be present in the various local level councils and the imihigo process. There is however scant evidence of citizen voice through these institutions. The high rate of mayoral turnover seems to demonstrate empowerment of the district council and horizontal accountability, yet there are indications that top-down influence may be the primary cause for these reliefs, as the imihigo process establishes standards for which mayors are not only accountable to their respective populations, but also higher authority--ultimately the President. The level of data currently available does not allow for a positive correlation between local level deliberative participation, yet the model we have established would provide a useful framework for further research on the topic.

I.   SOCIALIZATION AND DELIBERATION—IMPROVED VERTICAL ACCOUNTABILITY

Our third hypothesis supposes that participatory institutions that provide opportunities for both socialization and deliberation are more likely to improve vertical accountability. Both answerability and enforceability are engendered through these vectors of participation. As the citizenry become familiar with the system they begin to develop expectations as to what can be done and how it should be done. They are socialized into the democratic method. When granted deliberative powers, the notion of

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[149] Purdeková, "'Even If I Am Not Here," 479.

answerability is fostered whereas they expect that their decisions will be met with government compliance. Together, these two forces may strengthen a system of elections and vertical accountability, since the electorate should begin to develop expectations of their elected officials. As has been previously referenced, many citizens in Rwanda find the idea of government accountably to the people as a foreign concept. However, effective participation should engender a renewed sense of connection to the government, manifesting in horizontal and vertical accountability. Table 4 lays out what types of participation may be present in the various levels of Rwandan government.

Table 4.   Potential effects of participation on accountability in
Rwandan system.

Types of Participation		Potential Effect on Accountability					
		Home-Grown	Village	Cell	Sector	District	Central
Deliberating	Empowering	X				X	
	Collaborating	X					
Socializing	Involving	X	X	X			
	Consulting	X	X	X	X	X	X
	Informing	X	X	X	X	X	X

The picture presented shows where the system is participatory and where it is not. The home-grown institutions, particularly gacaca, possess the highest level of participation. Yet, the government, even the lowest levels, are rather devoid of truly deliberative institutions for the citizenry. Local level legislative bodies, particularly the cell and district level, are opportunities for deliberative impact by citizens, yet further study will be necessary to determine what role they play in policymaking and the dismissal process. The District level has a streak of empowerment, indicated by the high level of mayoral turnover and horizontal accountability, yet, the impact of the citizenry directly on this process is debatable.

Although an initial look at the figure reveals the stark reality that participation is still lacking the Rwandan system, it also presents a model for future research and a chartable course for a further development of the Rwandan system. The model reveals that even at local levels, one could expect horizontal accountability to be weak. Since this

is where democracy begins, until horizontal accountability is fostered at local levels, legislative bodies all the way up the national legislature can be expected to have a diminished role and ability to check executive power. The foundation for democratic participation is still weak in Rwanda, but the institutions could be leveraged to provide a stronger foundation of democratic accountability.

J.   CONCLUSION

This chapter detailed how each type of participation may or may not achieve accountability in the Rwandan system. The connection is often precarious one, since the effects of accountability may be nuanced and difficult to measure. The chapter, however, presents accountability in terms of the effects expected to result from the five forms of participation.

The most challenging to measure, yet a still fundamentally important aspect of accountability, is informing. We assume that this is present at both the central and local levels of government through the proliferation of measures of performance. Informing is particularly impactful through the imihigo service contract process and government media. Yet the effects on accountability are not easily measurable.

Consulting, is also present at both the central and local levels of government. Although not beholden to citizen opinion, the act of consultation influences socialization and opinions and ideas once heard have a sense of legitimacy, even when discounted. As with informing, the effects of consultation are difficult to measure. The use of improved polling, however, could provide a means to measure subtle opinion changes in the government and the citizenry, thus reflecting the effects of consultation. Present government polling is too broad in its current state.

Involving is the final piece of socialization as the citizenry are involved in crafting concepts and programs for implementation. This is lacking at the central level, but partially present at local levels through ubudehe and gacaca. Through both processes, accountability was demonstrated by changes in policy and program details. Socialization appears most present through the home-grown institutions and at the village and cell levels of local government, with lessening influence towards the central level.

69

Deliberative participation in the forms of collaborating and empowering are present, but at much lower levels. As would be suspected, this type of citizen participation is lacking at the central levels of government, reflected limited accountability outcomes. At the local level, there is significant deliberation held within a few key institutions. Gacaca was the key repository of deliberative practices, and still may have a lingering influence on the system. Horizontal accountably is demonstrated through the high rate of mayor turnover at the district level, however, the ability of the regular citizenry to influence these dismissals is not clear.

Overall, the presence of socializing participation at local levels combined with the absence of a strong regime of deliberative practices, is compatible with the reality on the ground in Rwanda; the system is authoritarian in accordance with our first hypothesis. However, the study presents a roadmap for how accountability could be improved if the citizenry should choose to do so. Also, if the Rwandan government is truly interested in improving democratic accountability at all levels, this framework reveals a way to improve accountability through participation in the Rwanda.

V. CONCLUSION

A. SUMMARY

The overarching question addressed by this thesis was whether democracies with weak forms of contestation, could still achieve accountability through participation alone. Rwanda was used as the testbed, since it has many of the trappings of a democratic system, yet is perceived as authoritarian in nature due to shortcomings in its democratic makeup. The thesis demonstrated how contestation was limited in the system both at the central and local levels, and that varying methods of participation may provide an opportunity to hold the government accountable.

To provide a foundation for this study, the reviewed literature focused first on accountability. This review explored the dual nature of accountability, which relies on answerability and enforcement. Both horizontal and vertical forms of accountability were explored as well. The review further explored the nature of democracy, especially the relationship between contestation and participation, essential for a democracy to operate. Furthermore, the literature review explored the potential relationship of enforcement and answerability to contestation and participation. Although it appears that democracy holds the answer to accountability, the review further explored the work of scholars studying how authoritarian regimes are held accountable without democracy. The study of democracy moved beyond electoral models and explored its deliberative and socializing aspects. Both viewpoints have an impact on the Rwandan system, since it contains elements of both. The literature review attempted do lay the groundwork to explain how effective participation could essentially improve horizontal and vertical accountably.

The thesis presented three potential explanations, manifested through five casual pathways. First, socializing participatory institutions are likely to foster horizontal accountability. Second, deliberative participatory institutions are more likely to foster horizontal accountability. Third, Institutions which foster both are more likely to improve both vertical and horizontal accountability. The independent variables where five methods of participation of varying influence. The first three participatory types of

71

informing, consulting, and involving were described as socializing. The last two participatory forms of collaboration and empowerment were described as deliberative. Together, these five forms represent the independent variables of the hypothesis. The dependent variables of each form reflected the measurable effects of each form on the Rwandan system.

Before moving into the analysis of the Rwandan system's participatory forms and their impact on accountability, it was necessary to explain the basics of the system. First, the elements of the central level of government were explained to include the national executive, legislative, and judicial basics. The province, just below the national government but considered part of the central level, was also described. Below the central level, the local level was explored in detail. First, the arrangement and institutions of the district, sector, cell, and village were explained with a focus on their respective legislative and executive government bodies. Some unique Rwandan institutions such as the imihigo service contracts, local level planning done in the ubudehe, and the gacaca trials were also described, as they will each play a role in the development of accountability. Beyond these processes, the chapter also detailed some potential problems of the system such as weak legislative oversight and competition between elected and appointed officials for influence.

The following chapter detailed aspects of contestation and participation in both the central and local levels of government. Oftentimes considered authoritarian, the Rwandan regime is notionally founded on democratic ideals in a constitutional arrangement. This chapter details why that democracy may be weak and ineffectual. First, the overall weakness of contestation at the national level was explained. For various reasons, this is the primary concern about the lack of democratic accountability at the central level. Next, local level contestation was explored indicating that it too was relatively weak, especially since most local elections are indirect in nature. The impact of socializing participation was described at the central level, with the determination that its effect was minimal. Locally, socializing participation seemed stronger as there were many more avenues for its practice. Deliberative aspects of participation were all but

absent at the central level. The potential for deliberative participation was present locally through imihigo, gacaca, ubudehe, and councils.

The key step of the thesis was determining if any of the previously mentioned aspects of participation manifested in accountability. Socializing participation through informing was present at both the central and local levels of government; however, the ability to measure its effects were beyond the current level of data. The relationship of informing to the overall chain of accountability was explored to better explain why it is a necessary requirement for legitimacy. Consulting was also present at both the central and local levels of government, but was once again difficult to measure with the current level of data. There are, however, times when the effects of consulting may be present through the evolution of the gacaca process, and imihigo developed through ubudehe. The process of involvement was wholly absent from the central level, but once again present at the local level through the gacaca process and examples of changing imihigo rules. The overall effect of socialization was incomplete at the central level, but potentially evident at local levels. Detailed evidence is lacking, yet the potential was present in several examples.

Deliberative participation was lacking at the central level, yet potentially present in key aspects of local governance. The gacaca system, ubudehe, and local councils present opportunities for collaboration and deliberation, yet the data is scarce on its exact effects. The high turnover rate for district mayors may reflect the impact of local level deliberative participation, yet details as to how and why they mayors are removed from office is lacking. Overall, the data is weak, but the model would provide for a useful starting point for better research on the topic.

B. SHORTFALLS AND GAPS

As is evident from the first section, there is currently an overall lack of data on the topic. There are, however, several ways in which this shortfall could be remedied. The following paragraphs detail the current shortfalls and gaps in data, and how those gaps could potentially be explored.

The key difficulty with the data is that it does not effectively map well from the independent variables to the dependent variables. The dependent variables are difficult to study without a strong baseline of data. Even when measures of performance and effectiveness are described, the data to assess them is currently lacking. Even the most challenging of effects could be measured using clever polling, testing, etc. Informing could be assessed by the measurement of websites, media, and print consumption rates. Consulting could be researched through study of public comments through councils and committees. Measures of performance for involving could be determined by the proliferation of workshops or changing involvement in ubudehe. The detailed minutes of the cell, sector, and district councils could be analyzed to determine a baseline for activity or interest on important issues, and then comparing said data to applicable committee decisions. How and why mayors are removed from office would start with detailed study of the situation in those subject districts long before the removal took place.

The socialization effects of informing could be measured by some index of increased learning over time. Citizen knowledge on target topics could be assessed through polling or testing. Even the one-way nature of authoritarian informing could be addressed through more open-ended questions designed to tease out if the citizens feel that they are hearing what they want or need. The impact of consulting, changing government opinion, could be assessed through polling and careful study of the minutes of councils and committees. The connection between citizen concern on selected topics and the evolution of government opinion could be indicated by an analysis of this same data. The impact of citizen demands, the resultant impact of involvement, could be assessed in much the same way.

Accountability resulting from deliberative participation could be measured using similar techniques. The minutes of committees and councils could be compared with the changing decisions and policies. The ability of citizens to steer and agenda set should be evident through their interactions with the councils and committees. The example from the thesis regarding the brick ovens seems to demonstrate accountability, yet without more details it is impossible to tell who influenced the changing decisions. Yet, with more close-up research, it could be determined and further analyzed. Similarly, the

removal of mayors indicates accountability borne of deliberative participation, yet without more detail, it is difficult to determine which political organs hold most sway over these decisions. Who usually initiates the removal process? What is the role of the district njyanama? The detailed minutes of gacaca trials would also provide great insight into the topics of deliberative accountability. This thesis discussed many potential effects of participation, yet the details and sufficient evidence of accountability are oftentimes beyond the scope of this study.

C.   IMPLICATIONS FOR RESEARCH AND DESIGN

The framework and design of this thesis could be further developed into a much more in-depth research effort in Rwanda. So far, much of the data concerning participation and accountability both from the Rwandan government and academia are so broad as to not answer the questions I asked. Both participation and accountability appear to be poorly defined, especially in Rwanda's own studies and surveys. As this study parsed participation and accountability into smaller pieces, so too must the polling date. The model of this thesis could help to focus information gathering to come to more complete conclusions regarding participation and accountability. By breaking down participation into more specific packages, the ability to isolate aspects of accountability could be become more probable. Participation is effectively five dependent variables, instead of one, yet most of the available polling and related data frequented the term "participation" without definition.

One difficulty lies in the inherent endogeneity of participation and its connection to accountability. The chain of socialization is not linear, so lower steps may happen before the upper ones. For example, although informing is a basic underlying factor for the effectiveness of the rest of participation, it need not be in perfect form for consulting and informing to take place. Similarly, information may be clear at one level of government or within one local institution, but totally absent somewhere else. More testing and study is required to effectively prove the concepts in this thesis.

Regardless, it seems that a more detailed study of the effects of these more nuanced forms of participation on accountability would be useful for U.S. foreign policy

and developing democracies. Working under the assumption that most democracies want to do a better job of being a democracy, the format of this thesis would be helpful in educating any nation's citizenry, reforming its institutions, and innovating the foundations of a free society.

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